

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

CHAMBER SUMMONS NO.198 OF 2017

WITH

CHAMBER ORDER NO.749 OF 2016

WITH

COUNTER CLAIM NO.13 OF 2008

IN

SUIT NO.2467 OF 2002

Larsen & Toubro Limited

....Applicant/Plaintiff

Vs.

Kantilal C. Kothari and Ors.

....Defendants

Mr. Sunil Tilokchandani a/w. Mr. Bharat Kumar Jain i/b. M/s. Manilal Kher Ambalal and Co. for the plaintiff in suit and for the defendant in counter claim.

Mr. P.N. Vora i/b. M/s. Pramodkumar and Co. for the defendant nos.1 to 5 and 14 in suit and for the plaintiff nos.1 to 5 and 8 in counter claim.

Ms. D.G. Wanjara for the defendant nos.9 to 12.

Ms. Aditi Chavan i/b. S. Tyagi for the defendant nos.15A to 15D.

Mr. Anand Poojari a/w. Ms. Nikita Pawar i/b. S.I. Joshi and Co. for the defendant no.15E.

CORAM : K.R.SHRIRAM, J.

DATE : 21st MARCH, 2017

P.C.:

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1 Mr. Tilokchandani, counsel for the plaintiff states that this chamber summons is to bring on record the legal heirs of defendant no.7, who expired on 31st October, 2016. The counsel for the plaintiff further states that the legal heirs of defendant no.7, who are the proposed defendant nos.7(A) to 7(C), have been served with the chamber summons on or about 19th/20th January, 2017 and no reply has been filed.

2 So far as defendant no.13 is concerned, Mr. Tilokchandani, counsel for the plaintiff states that the legal heirs of defendant no.13 are already on record as defendant nos.1,2 and 3 and therefore, only the name of defendant no.13 has to be struck off. The other counsel appearing in the matter have no objection.

3 In the circumstances, the chamber summons is allowed and accordingly disposed in terms of prayer clauses - (a), (b) and (c). It is clarified that item 7 mentioned in the Schedule to the chamber summons, which is bracketed in red ink, is not permitted.

4 The amendment to be carried out and copy of the amended plaint to be served within two weeks from today.

5 Should the newly added defendants, viz., the legal heirs of defendant no.7 wish to file any written statement, they may do so within four weeks of receiving the copy of the amended plaint.

6 In view of the above, Chamber Order No.749 of 2016 also stands disposed and leave to amend the counter claim is also granted. The amendment to be carried out and copy of the amended counter claim to be served within two weeks from today.

(K.R. SHRIRAM, J.)