

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

CHAMBER SUMMONS NO. 250 OF 2017

IN

SUIT NO. 850 OF 1997

Venilal Narshi Vira &
Kishore Narshi Vira

.. Applicants

In the matter between :

Venilal Narshi Vira &
Kishore Narshi Vira

.. Plaintiffs

Vs.

Mrs.Snehalata & Ors.

..Defendants

And

Rohan Nitin Juwale & Anr.

.. Respondents

Mr.P.M. Shah a/w. Mr.Neel Gala i/b Niranjan and Co. for
plaintiffs/applicants.
None for defendants.

CORAM : K.R.SHRIRAM, J.

DATE : 29TH AUGUST 2017

P.C

1 This chamber summons is taken out to bring on record the legal heirs of defendant no.1 and to strike off the name of defendant no.3 since defendant no.1 expired on 21st May 2002 and defendant no.3 expired on 27th November 2001. It is stated in paragraph 3 of the affidavit in support that the plaintiff came to learn about the demise of defendant no.1 and defendant no.3 only when the counsel appearing for defendant nos. 4 to 6 informed this Court on 20th January 2017. It should also be noted that in paragraph 2

of the affidavit in support it is stated that the suit against defendant nos.1, 2 and 3 has been transferred to the list of undefended suits vide order dated 3rd March 2004 passed by the Prothonotary and Senior Master, High Court, Bombay.

2 Leave to amend granted as per the schedule annexed to the chamber summons except the bracketed portion which is item IV in the schedule.

3 Chamber summons allowed in terms of prayer clause (d) and accordingly disposed. Amendment to be carried out and amended plaint to be served within three weeks from today. Should the newly added defendant nos.1A and 1B wish to file any written statement, they may file written statement within two weeks of receiving the amended plaint. The suit be listed for directions on 13th October 2017.

(K.R. SHRIRAM, J.)