

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.325/2015
IN
SUIT NO.376/2012

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. Vivek Kantawala for the applicant
Mr. Mehul Shah for the respondent

CORAM : K. K. TATED, J.
DATE : AUGUST 7, 2017

P.C.:

1. Heard. The learned counsel for the applicant submits that he received instructions from his client to delete the name of defendant No.2 Indiraben Baghubhai Patel from the array of parties in Suit No.376/2012.
2. Necessary amendment to be carried out within two weeks from today.
3. The Chamber Summons is for deleting the name of deceased Trustee i.e. plaintiff No.2 Mr. Banwarilalji Ishwarlal Singhanian from the array of parties in the suit and consequential amendment.

4. The learned counsel for defendant No.1 submits that they have no objection if the Chamber Summons is allowed in terms of prayer clauses (a) & (b).

5. Considering the submissions made by the learned counsel for the Applicant and the averments made in the affidavit in support of Chamber Summons, I am satisfied that the Applicant has made out a case for allowing the present Chamber Summons.

6. Hence, the following order:

a) Chamber Summons is allowed in terms of prayer clauses (a) & (b) which read thus:

“(a) That the delay of 174 days in preferring the instant Chamber Summons be condoned.

(b) That the applicants be permitted to delete the plaintiff No.2 Banwarilalji Ishwarlal Singhanian (since deceased on 21st May 2014) in the suit No.376/2012 and consequential amendment be allowed to be carried out in the suit.”

b) Amendment to be carried out within two weeks from today.

c) If amendment is carried out within stipulated time as stated hereinabove, the Applicant is

directed to serve an amended copy of the plaint on the Advocate for the defendant, immediately thereafter.

d) Chamber Summons stands disposed off accordingly.

JUDGE