

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

CHAMBER SUMMONS NO.467 OF 2015

IN

SUIT NO.58 OF 1986

Mr. Sanjay Ramchandra Adsule & Ors.Applicants

IN THE MATTER BETWEEN :

Prabhakar L. AdsulePlaintiff

Vs.

Kamlakar N. Samant and Anr.Defendants

WITH

CHAMBER SUMMONS NO.930 OF 2012

WITH

NOTICE OF MOTION NO.1114 OF 2012

IN

SUIT NO.58 OF 1986

Prabhakar L. AdsuleApplicant/Plaintiff

Vs.

Kamlakar N. Samant and Anr.Defendants

Mr. A.R. Shaikh for plaintiff.

Mr. Ravi Gandhi i/b. Kanga and Co. for defendant no.2.

CORAM : K.R.SHRIRAM, J.

DATE : 4th JULY, 2017

P.C.:

CHAMBER SUMMONS NO.467 OF 2015

1 This chamber summons is to condone the delay and bring on record applicants, who are the legal heirs of deceased plaintiff.

2 Mr. Gandhi, counsel for defendant no.2 objects to the chamber summons. Mr. Shaikh, counsel for plaintiff states that amendment has already been permitted to be carried out in notice of motion no.1114 of

2012 and therefore, the court should permit the amendment as prayed in this chamber summons. I agree with Mr. Shaikh.

3 Therefore, chamber summons is allowed and accordingly disposed in terms of prayer clause – (a), (b) and (c).

4 Amendment to be carried out and copy of the amended chamber summons to be served within two weeks.

CHAMBER SUMMONS NO.930 OF 2012

1 Mr. Shaikh, counsel for applicant states that this chamber summons has been served upon respondent and undertakes to file affidavit of service within two weeks. Statement accepted.

2 None for respondent. Mr. Gandhi, counsel for defendant no.2 has no objection to the grant of reliefs as sought in the chamber summons.

3 Therefore, chamber summons is allowed and accordingly disposed in terms of prayer clause – (a) except the words “the plaint”. In view thereof, no amendment to the plaint, as per the Schedule, is permitted. Amendment is permitted only to the notice of motion.

4 Amendment to be carried out and copy of the amended notice of motion to be served within two weeks.

5 Affidavit in reply to be filed and copy served within two weeks of receiving copy of the amended notice of motion.

6 Notice of motion to be listed for hearing on 10th August, 2017.

(K.R. SHRIRAM, J.)