

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

**CHAMBER SUMMONS NO.541 OF 2016
IN
SUIT NO.3907 OF 2002**

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

Mr.Lalit V. Jain for the applicant

Ms.Manjiri Parasnis for the proposed defendants

Mr.O.K.Patil, Section Officer Court Receiver present

**CORAM : K. K. TATED, J.
DATE : NOVEMBER 21, 2017**

P.C.:

1. Heard the learned counsel for the parties.
2. By this Chamber Summons, plaintiff is seeking to carry out amendment in the plaint by bringing legal heirs on record of defendant no.1, Balram Sharma who died on 23.12.2015 and defendant no.2, Mr.K.D.Sharma who died on 17.8.2014.
3. The learned Counsel for the applicant plaintiff submits that there is a delay in preferring the present Chamber Summons for want of knowledge. He submits that they learnt about the

death of defendants as soon as they received letter from the advocate of defendants. He submits that in the interest of Justice, this Hon'ble Court be pleased to condone the delay and set aside the abatement. He submits that applicant may be permitted to bring legal heirs on record of both the defendants as stated in cause title of the Chamber Summons.

4. The learned Counsel Ms.Manjiri Parasnis for the legal heirs of both the defendants submits that she received instruction from her client to file her Vakalatnama on behalf of legal heirs. She further submits that they have no objection if present Chamber Summons is allowed.

5. Considering the submissions made by the learned counsel for the applicant and the averments made in Chamber Summons, I am satisfied that the applicant has made out a case for allowing Chamber Summons. Hence, following order is passed:

- a) Delay in preferring Chamber Summons is condoned.
- b) Abatement is set aside.
- c) Applicant is permitted to bring the proposed defendants as shown in cause title of Chamber Summons in Suit No.3907 of 2002 within four weeks from today, failing which Chamber Summons shall stand dismissed without referring

back to the court.

d) If amendment is carried out within stipulated time as stated hereinabove applicant plaintiff to serve amended copy of plaint on defendant's advocate immediately thereafter.

e) Advocate for legal heirs of both the defendants waive service in suit.

f) Liberty granted to the added defendants if they so desire to file their additional written statement within 10 weeks from the date of service of amended copy of plaint with copy to other side.

g) Chamber Summons stands disposed of accordingly.

(K.K.TATED, J.)