

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

**TESTAMENTARY SUIT NO.17 OF 2005
IN
TESTAMENTARY PETITION NO.196 OF 2004**

Brojinder Khushbakhatrai AnandPlaintiff

Vs.

Smt. Sukhvarsha K. Chhadha & Anr.Defendants

Ms. K.C. Nichani a/w. Mr. Pankaj C. Kansara for the plaintiff.

Mr. Deepak Chitnis i/b. M/s. Deepak Chitnis-Chiparikar and Co. for the defendant nos.1(a) to 1(c).

CORAM : K.R.SHRIRAM, J.

DATE : 3rd MARCH, 2017

P.C.:

1 Ms. Nichani, counsel for the plaintiff states that the plaintiff has expired on 5th February, 2017 and the chamber summons lodging no.52 of 2017 has been filed to bring on record the legal heirs of the deceased plaintiff.

2 Mr. Chitnis, counsel for the defendant nos.1(a) to 1(c) has no objection if this chamber summons is taken up for hearing today though not listed. Mr. Chitnis further states that he has no objection if the relief as sought in the chamber summons is granted.

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

4 The amendment to be carried out and copy of the amended petition to be served within two weeks from today. Notwithstanding disposal of the chamber summons, the applicant to remove all office objections and get the chamber summons numbered within two weeks from today.

5 Since the chamber summons is allowed, the suit also to be converted into a suit for grant of Letters of Administration with Will annexed.

6 Ms. Nichani, counsel for the plaintiff states that the affidavit in lieu of examination in chief of the original plaintiff had already been filed but he expired before he could be cross examined. Ms. Nichani further states that she will file evidence of the first witness within three weeks from today. Statement accepted and so ordered.

7 Suit be listed for directions on 24th March, 2017.

(K.R. SHRIRAM, J.)