

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 768 OF 2016
IN
SUIT NO. 2533 OF 2010**

RJ Construction ...Plaintiff
Versus
Yesubai Y Mhatre & Orsq ...Defendants

Mr Rajendra Jain, i/b Thakore Jarimala & Associates, for the Plaintiff
and for the Applicant in CHS No.768/2016.
Mr Shivraj Kunchge, a/w Vijay Kurle, i/b Arvind Maurya, for the
Defendants.

CORAM: G.S. PATEL, J
DATED: 13th December 2017

PC:-

1. The Chamber Summons seeks to bring on record the original heirs of Defendant No.1 as Defendants Nos. 12 to 17, to set aside the abatement and to condone a considerable delay of 1178 days. By an order of 8th November 2017 the Applicants were given a final opportunity of four weeks to serve the Chamber Summons and file an Affidavit of Service. They have now done so.
2. The delay is explained in paragraph 6. I am inclined to accept this, particularly since it says amongst other things, that the matter had

not appeared for several years and hence the Plaintiff lost sight of it. This happens, and it happens too often. I do not think it is reasonable for us to expect parties to maintain so constant a vigil on our daily listings, if matters are not listed or taken up for hearing for years on end. The delay is condoned.

3. The Chamber Summons is made absolute. No costs.

4. Amendment to be carried out within three weeks from today. The newly added Defendants will be served with the amended plaint. They will be served by hand delivery and private service is permitted. Liberty to the Plaintiffs to apply in case of difficulty in the service.

5. List the suit for directions on 12th February 2018.

(G. S. PATEL, J.)