

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

CHAMBER SUMMONS (L) NO.505 OF 2017
IN
L.A.R.NO.3 OF 2003

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

Ms.Jyoti Chavan, A.G.P for the Special Land Acquisition Officer / Applicant in Chamber Summons

Mr.V.M.Vaghela for the proposed Claimants

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

P.C.:

- 1 Heard the learned counsel for the parties.
- 2 This Chamber Summons is for bringing legal heirs on record of Claimant no.41, Dinesh Himmatlal Shah who died on 24.09.2015.
- 3 The learned A.G.P for the applicant submits that for want of knowledge about the death of Claimant no.41, it remained on their part to take appropriate steps immediately for bringing legal heirs on record. She submits that in the interest of Justice, this Hon'ble Court be pleased to set aside abatement and condone the delay in filing the Chamber Summons.

4 On the other hand, the learned counsel for the legal heirs of Claimant no.41 submits that they have no objection to allow the Chamber Summons. He made a statement that he will file his Vakalatnama on behalf of legal heirs in L.A.R.No.3 of 2003 on or before 9.6.2017.

5 Statement is accepted.

6 Considering the submissions made by the learned counsel for the Applicant and the no objection given by Advocate who is appearing for legal heirs of Claimant no.41, I am satisfied that the Applicant has made out a case for allowing the present Chamber Summons. Hence, following order is passed:

- a) Abatement is set aside.
- b) Delay in preferring the Chamber Summons is condoned.
- c) Applicant is permitted to bring legal heirs on record of deceased Claimant no.41 in L.A.R.No.3 of 2003.
- d) Amendment be carried out within two weeks from today.
- e) If amendment is carried out within stipulated time as stated hereinabove, applicant is directed to serve amended L.A.R.No.3 of 2003 on added Claimant as well as other Claimants.
- f) Chamber Summons stands disposed of accordingly.

g) No order as to costs.

JUDGE