

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

**CHAMBER SUMMONS NO.483 OF 2017
IN
EXECUTION APPLICATION NO.42 OF 2013
IN
ARB.NO.457/2010**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mr.Anil Bagwe for the applicant

**CORAM : K. K. TATED, J.
DATE : OCTOBER 13, 2017**

P.C.:

1. Heard the learned counsel for the applicant.
2. Advocate for the applicant submits that copy of Chamber Summons is duly served on the respondents and filed affidavit of service to that effect. Statement is accepted.
3. The learned counsel for the applicant submits that the present Chamber Summons is preferred by legal heir of sole claimant Baburao Rambhau Shinde who died on 4.8.2016. He submits that there is a delay in preferring Chamber Summons for want of knowledge about the pendency of the present litigation. He submits that in the interest of Justice, this Hon'ble Court be

pleased to condone the delay in preferring the present Chamber Summons. He submits that if Chamber Summons is not allowed, irreparable loss will be caused to the applicant.

4. Considering the submissions made by the learned counsel for the Applicant, inspite of service no one appeared on behalf of respondents and considering the averments made by the applicant in affidavit in support of Chamber Summons, I am satisfied that the Applicant has made out a case for allowing the present Chamber Summons. Hence, following order is passed:

A. Chamber Summons is allowed in terms of prayer clause (a), (b) and (c) which read thus:

“(a) This Hon'ble Court be pleased to condone the delay of 142 days in filing the present application;

(b) that the present applicants be brought on record of this Hon'ble Court in the present Execution Application being the legal heirs and representative of the deceased claimant viz. Mr.BABURAO RAMBHAU SHINDE who expired on 04.08.2016.

(c) That the present applicants may be allowed to carry out the amendment in the Execution Application and subsequently in the Warrant proceedings, if any, issued in the same as per the Schedule – A annexed hereto.”

B. Amendment be carried out on or before 10.11.2017, failing which the Chamber Summons shall stand dismissed without further reference to the court.

C. If amendment is carried out within stipulated time as stated hereinabove, the Applicant is directed to serve an amended copy of the Execution Application on the Advocate for the other side, immediately thereafter.

D. Chamber Summons stands disposed of accordingly.

(K.K.TATED, J.)