

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

CHAMBER SUMMONS NO.535 OF 2015

IN

SUIT NO.173 OF 1986

Mr.Sanjay Ramchandra Adsule & Ors.)....Applicants

IN THE MATTER BETWEEN :

Prabhakar Laxmanrao Adsule)....Plaintiff

V/s.

Kamlakar Narayan Samant)....Defendant

And

Dnyanesh Kamlakar Samant)....Respondent

None for plaintiff

None for defendant.

Mr.Abdul R.Shaikh for the applicants.

CORAM : K.R.SHRIRAM,J

DATE : 11.7.2017

P.C.:-

1 The applicants are the legal heirs of the original plaintiff. It is the case of the applicants that the original plaintiff expired on 29.1.2014 and hence they should be added as plaintiff in the suit.

2 It also appears that the defendant also expired on 16.4.2005 but the defendant's advocate communicated about the death of the defendant only on 10.5.2012. In the affidavit in support, the applicants have explained the reasons for the delay as well.

Mr. Shaikh appearing for the applicants states that copy of the Chamber summons was served upon the defendant's advocate on 16.4.2015 but no reply has been filed or copy served opposing the Chamber summons.

3 In the circumstances, Chamber summons is allowed in terms of prayer clauses-(a) and (b). Amendment to be carried out and amended plaint to be served within two weeks. Should the defendant wishes to file any written statement/additional written statement, they may do so within 4 weeks of receiving the amended plaint.

4 Suit be listed for directions after 8 weeks.

(K.R.SHRIRAM,J)

