

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.95 OF 2016***

IN

MISC.PETITION NO.23 OF 2014

Mr.Vasudev Gurnani & ors .. Applicants

In the matter of

Smt Devkibai Vasudeo Gurnani & anr .. Plaintiffs

vs

Sandeep Sitaldas Balani & anr .. Defendants

with CHAMBER SUMMONS NO.18 OF 2017

in

MISC.PETITION NO.29 OF 2013

Mr.Suresh Jessaram Lalwani & ors .. Applicants

In the matter of

Suresh Jessaram Lalwani & ors .. Plaintiffs

vs

Sandeep Sitaldas Balanu & anr .. Defendants

Ms.Nerissa Almeida for Petitioner in MPT No.29/2013

and for Respondent nos.9 and 10 in MPT No.134/2013 and Applicants
in CST No.18/2017

Mr.Prashant Chavan I.b Mr.K.R.Chile for Petitioners in MPT
Nos.134/2013 and MPT 23/2014
and for Applicants in C.S No.95/2016

Mr.K.P.Jain a/w Mr.M.A.Shah

for Respondent no.1 in MPT 29/2013, Respondent no.1

and for Respondent no.13 in MPT/134/2013

Mr.R.M.Lanjekar for Respondent no.2 in MPT 23/2014

Mr.,Reyden Gonsalves I.b Mr.E.A.Gonsalves

for Respondent No.3 in MPT 23/2014

Ms.Nisha Valani for Respondent no.4

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CORAM: K.R.SHRIRAM, J

DATE: 8 FEBRUARY 2017

P.C.

1. This Chamber Summons is to bring on record the legal heirs of the Petitioner who expired on 6 April 2016. The counsel for the respondents state that they have no objection to grant the reliefs as sought in this Chamber Summons but, their rights and contentions in the matter should be kept open including challenging the maintainability of the Petition by the original petitioner herself.

2. In view of the above, Chamber Summons is allowed in terms of prayer clause (a) keeping open the rights and contentions of the respondents as mentioned above.

3. Chamber Summons accordingly stands disposed of.

4. Amendment to be carried out and the amended Petition to be served within a period of two weeks. Should the respondents wish to file additional reply in view of the amendment to the Petition, they may do so within a period of two weeks of

receiving the amended Petition.

5. Counsel state that there is another Chamber Summons no.18 of 2017 in Misc.Petition No.29 of 2013 which requires to be heard before the Petition proceeds further. Counsel for the respondents states that they have just been served with the Chamber Summons. The Affidavit-in-reply to be filed within two weeks. Rejoinder if any, within two weeks thereafter.Chamber Summons be listed for hearing on on **15 March 2017**.

{K.R.SHRIRAM, J}