

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

CHAMBER SUMMONS NO.120/2016
IN
WRIT PETITION NO.328/2008

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

Mr. Vijay P. Vaidya for the applicant/petitioner
Mr. Netaji Gawade i/b. Sanjay Udeshi & Co. for
Respondent No.1.

CORAM : K. K. TATED, J.

DATE : FEBRUARY 10, 2017

P.C.:

1. Heard. The Chamber Summons is filed by legal heirs of original petitioner who died on 30.03.2015. The Chamber Summons is lodged in the Registry on 21.07.2016. There is delay on the part of the applicant to file the Chamber Summons.

2. Considering the submissions made by the learned counsel for the applicant and the reasons disclosed in the affidavit in support of the Chamber Summons, I am satisfied that the applicant has made out a case for allowing this Chamber Summons.

3. Hence, following order is passed:
 - a. Delay in filing the Chamber Summons is condoned.
 - b. The applicant is permitted to carry out amendment in the cause title of Writ Petition No.328/2008 for joining them in place of deceased sole petitioner.
 - c. The amendment shall be carried out within four weeks from today, failing which the Chamber Summons shall stand dismissed without further reference to the court.
 - d. If amendment is carried out within stipulated time as stated hereinabove, the Applicant is directed to serve an amended copy of the Writ Petition, if any, on the Advocate for the Respondents, immediately thereafter.
 - e. Chamber Summons stands disposed off accordingly.

JUDGE