

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

**CHAMBER SUMMONS NO.881 OF 2015
IN
SUIT NO.2461 OF 2006**

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.Prateek Kothari i/b Mr.Yogesh Adhia for the plaintiff

Mr.Mahesh Mahale i/b M/s.Ganesh and Co. for the defendant no.6

Mr.Mustafa Kachwala a/w Mr.Rakesh Misar i/b Kachwala Misar and and Co. for the 12A, 12B and 12C

Mr.A.A.Mujawar i/b M/s.Economic Laws Practice for the defendant no.21

**CORAM : K. K. TATED, J.
DATE : AUGUST 8, 2017**

P.C.:

1. Heard the learned counsel for the parties.
2. Advocate for the plaintiff submits that they have already served legal heirs of deceased defendant no.14. To that effect, they filed affidavit of service dated 29.10.2015. In spite of service, no one appeared on behalf of them when the matter

was called out.

3. This Chamber Summons is preferred by plaintiff for bringing legal heirs on record of deceased defendant no.14, Smt.Shakuntala Shivram Yadav who died on 13.1.2015. He submits that there is a delay in preferring the Chamber Summons. He submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay and allow the plaintiff to bring on record the legal heirs of deceased defendant no.14.

4. Considering the submissions made by the learned counsel for the Applicant and the averments made 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, the following order:

- a) Delay in preferring Chamber Summons is condoned.
- b) Abatement is set aside.
- c) Applicant is permitted to bring legal heirs on record of deceased no.14 in Suit No.2461 of 2006 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, applicant plaintiff to serve amended copy of plaint on defendant's immediately thereafter.

e) Chamber Summons stand disposed of accordingly.

(K.K.TATED, J.)