

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**TESTAMENTARY AND INTESTATE JURISDICTION**

**CHAMBER SUMMONS NO. 116 OF 2017**

**TESTAMENTARY SUIT NO. 72 OF 2009**

**IN**

**TESTAMENTARY PETITION NO. 407 OF 2009**

|                                      |   |           |
|--------------------------------------|---|-----------|
| Shree Naik Somanath Kulpurush &      | ] |           |
| Gampurush Trust, through its trustee | ] |           |
| Mr. Shashank Digambar Naik           | ] | Applicant |

IN THE MATTER BETWEEN

|                             |   |           |
|-----------------------------|---|-----------|
| Digambar Hari Naik          | ] | Plaintiff |
| [Executor] (since deceased) | ] |           |

Vs.

|                                       |   |
|---------------------------------------|---|
| Sampuranand Sadhusharan Dubey,        | ] |
| Secretary, Binakumari Co.op Hsg. Soc. | ] |
| Ltd.                                  | ] |

And

|                                      |   |           |
|--------------------------------------|---|-----------|
| Shree Naik Somnath Kulpurush &       | ] |           |
| Gampurush Trust, through its trustee | ] |           |
| Mr. Shashank Digambar Naik           | ] | Applicant |

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Mr. Shaun Pinto, for applicant in CHS/116/2017 and plaintiff.

Mr. Tejas Vora a/w Mr. D.R. Mishra for defendant and applicant in NMT No. 158 of 2017.

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**CORAM : R.G. KETKAR, J.**

**DATE : 16<sup>th</sup> AUGUST, 2017.**

**P.C.**

Not on board. By consent of the parties, taken up for directions.

2. Heard Mr. Pinto, learned Counsel for applicant in CHS No. 116 of 2017 and for plaintiff and Mr. Vora, learned Counsel for defendant and applicant in Notice of Motion No. 158 of 2017.

3. This Chamber Summons is taken out for setting aside abatement on account of death of the plaintiff Digambar Hari Naik as also for deleting his name and permitting the applicant to be joined as plaintiffs/petitioners to pursue Testamentary Petition and Testamentary Suit.

4. By consent of the parties, Chamber Summons is made absolute in terms of prayer clauses (a), (b), (c) and (d) with no order as to costs. Amendment shall be carried out within one week from today. Amendment slip shall be made over to the other side.

**[R.G. KETKAR, J.]**