

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

CHAMBER SUMMONS [L] NO. 139 OF 2017

IN

TESTAMENTARY SUIT NO. 130 OF 2015

IN

TESTAMENTARY PETITION NO. 1679 OF 2013

Suresh Mahadev Jadhav] Applicant

IN THE MATTER BETWEEN

Suresh Mahadev Jadhav] Plaintiff

Vs.

Saroj Narayan Pawar & Anr.] Defendants

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Mr. Girin N. Pandit, for applicant/Org. Plaintiff.

Mr. C.N. Chavan, for defendant No.1.

Mr. Mishra i/b Mr. B.P. Shukla, for defendant No.2.

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CORAM : R.G. KETKAR, J.

DATE : 9th AUGUST, 2017.

P.C.

Not on board. At the request of Mr. Pandit, taken up in the board. By this Chamber Summons, the applicant/plaintiff has prayed for deleting the name of defendant No.2, Ramesh Jadhav and substitute with the names of proposed defendants No.1 and 2 as party defendants No. 2 (a) and 2(b).

2. Mr. Pandit submitted that defendant No.2 died on 25th April, 2017. On 27th April, 2017, letter was addressed on behalf of

defendant No.2 intimating death of defendant No.2, leaving behind proposed defendants No.2(a) and 2 (b) as his legal heirs and representatives. On behalf of the plaintiffs, letter dated 5th July, 2017 was addressed to the Advocate for defendant No.2 to furnish death certificate of the deceased with names, addresses, ages and occupation of legal heirs. Chamber Summons is taken out on 1st August, 2017. He submits that Chamber Summons may be allowed and the plaintiffs will remove office objections within two weeks from today.

3. In view thereof and for the reasons set out in the affidavit in support, Chamber Summons is allowed in terms of prayer clauses (a) and (b) with no order as to costs. Amendment shall be carried out within two weeks from today and amended slip shall be made over to the other side during this period. Plaintiff shall remove office objections raised in the Chamber Summons within two weeks from today.

4. Learned Counsel for defendant No.1 and learned Counsel for legal representatives of defendant No.2 assure that within two weeks from today they will file affidavit of examination-in-chief of defendant No.1 and defendants No.2 (a) and 2(b). Place the matter for directions on 23rd August, 2017.

[R.G. KETKAR, J.]