

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 864 OF 2017
IN
SUIT NO. 3433 OF 1997**

SS Jhuria & Anr ...Plaintiff
Versus
Durgaprasad R Poddar & Ors ...Defendants

Mr Niranjan Patki, i/b Bhaishankar Kanga & Co, for the Plaintiff.
Mr Dipesh Siroya, i/b Zohair & Co, for the Applicant in CHS
864/2017.
Mr Farhan Dubhash, a/w P Shetty, i/b RCS Legal, for Defendants
Nos. 3 to 5.

CORAM: G.S. PATEL, J
DATED: 13th December 2017

PC:-

1. The Chamber Summons is to delete the name of the Plaintiff No.1 and Defendant No. 2 as also to bring on record the legal heirs of Defendant No. 2 as Defendant No. 2(a). According to the Plaintiff, proposed Defendant No. 2(a) is the only legal heir along with Defendant No. 1, who is her husband. It is argued on behalf of Defendants Nos. 3 to 5 that there are other legal heirs of the Plaintiff who should be joined. It is for the Plaintiff to decide who are and are not joined as party plaintiffs to the suit. The Plaintiff is *dominus litus*.

2. By consent, the Chamber Summons is made absolute.

3. Amendment to be carried out within two weeks from today. A copy of the amended plaint will be served on the Advocate for the Defendants within two weeks thereafter. Additional written statement/ written statement to be filed within eight weeks thereafter.

(G. S. PATEL, J.)