

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

**NOTICE OF MOTION NO. 1536 OF 2013
WITH
NOTICE OF MOTION NO. 1540 OF 2013
IN
SUIT NO. 834 OF 2013**

Bertil Benedict Sequeira .. Plaintiff
Vs.
Bertram Walter Sequeira & Ors. .. Defendants

Mr.J.M.D'silva for plaintiff.

Mr.Vachan Bodke i/b M/s. Chitnis Vaithy and Co. for defendant no.1.

Mr.Pradip R. Kadam for defendant no.3.

**CORAM : K.R.SHRIRAM, J.
DATE : 20TH APRIL, 2017**

P.C.

1 Mr.D'silva for the plaintiff states that defendant no.2 has expired and has taken out a chamber summons bearing No.380 of 2017 to bring on record the legal heirs of defendant no.2 who are respondents to the chamber summons. Mr.D'silva states that the chamber summons is yet to be served and requests that chamber summons No.380 of 2017 be listed for hearing on 27th April 2017.

2 Chamber summons No.380 of 2017 be listed on 27th April 2017 for hearing.

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3 As regards this notice of motion, Mr.D'silva submits that since the plaintiff has not mentioned for any ad-interim relief, he is not pressing for this notice of motion at this stage but seek liberty to approach this Court, should the need arise.

The notice of motion No.1536 of 2013 accordingly disposed with liberty as sought.

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4 Since the plaintiff and the defendants are senior citizens, Mr.D'silva prays that the suit be expedited. The plaintiff as on date of filing the suit was 75 years and defendant no.1 was 85 years and defendant no.2 who has died was 82 years, defendant no.3 was 79 years and defendant no.4 was 73 years.

The suit filed is for partition. In my view, this is a fit case for expediting the suit.

5 The suit expedited.

6 Notice of motion accordingly disposed.

(K.R. SHRIRAM, J.)