

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

**CHAMBER ORDER (L) NO.1129 OF 2017
IN
SUIT NO. 569 OF 2014**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
--	---------------------------

Mr. Naushad Engineer a/w Mr. Shrinivasan Mudaliar i/by. M/s Federal & Rashmikan for Plaintiff.

CORAM : K. K. TATED, J.

DATE : NOVEMBER 16, 2017

P.C.:

1. Heard learned Counsel Mr. Naushad Engineer for Applicant/Plaintiff.

2. The learned Counsel for Applicant/Plaintiff submits that this Chamber Order is placed before this Court pursuant to the order dated 3rd October, 2017 passed by the learned Prothonotary & Senior Master, High Court, Bombay.

3. The learned Counsel for Applicant submits that by this Chamber Order the Applicant seeks permission to bring on record the legal heirs of sole Defendant Abhimanyu Dattatraya Wandrekar. He submits that Defendant expired on 15th May, 2017. He submits that thereafter they

have received a letter dated 9th August, 2017 from Adv. Ms. Prabha Badadare stating that sole Defendant Abhimanyu Wandrekar has expired. Along with that letter, she had forwarded the photo copy of the Death Certificate and name and addresses of the legal heirs. On the basis of the said letter, they have preferred the Chamber Order on 6th September, 2017. There was a delay on their part to prefer the Chamber Order. Hence, in stead of allowing Chamber Order, the learned Prothonotary & Senior Master, High Court, Bombay placed the matter before this Court. He submits that in the interest of justice, this Hon'ble Court be pleased to allow the Chamber Order permitting the Plaintiff to bring on record the legal heirs of Deceased Defendant.

4. It is to be noted that the Chamber Order can be allowed, if it is filed within limitation. In the present proceedings, there is a delay on the part of Plaintiff to prefer the Chamber Order. Once there is a delay, they have to take appropriate proceedings for condonation of delay also.

5. At this stage, learned Counsel for Applicant states that they may be permitted to withdraw the Chamber Order with liberty to file appropriate proceeding i.e. Chamber Summons for bringing the legal heirs of Defendant on record. Same is permitted.

6. Chamber Order stands disposed of with liberty as prayed.

(K.K.TATED, J.)