

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

**CHAMBER SUMMONS NO.1211 OF 2015
WITH
CHAMBER SUMMONS NO.842 OF 2016
IN
SUIT NO.503 OF 2014**

Jayanand Jayant SalgaonkarApplicant/Plaintiff

V/s.

Jayashree Jayant Salgaonakar & Ors.Defendants

Mr. Yatin R. Shah for the applicant/plaintiff.

Dr. Santosh Raje a/w. Mr. Rajiv Jadhav for the defendant nos.3,7 to 9.

Ms. N.N. Thakur i/b. Ms. Bina Pai for the defendant nos.5 & 6.

CORAM : K.R.SHRIRAM,J

DATE : 12th JANUARY, 2017

P.C.:-

CHAMBER SUMMONS NO.1211 OF 2015

1 This chamber summons is for leave to amend the plaint as per the Schedule annexed to the chamber summons.

2 Affidavit in reply has been filed particularly, denying the allegations of fraud made against defendant nos.3 and 8. Mr. Raje, counsel for the defendant nos.3,7 and 9 states that keeping open their rights to deal with the allegations at the time of trial, this chamber summons could be allowed.

3 Therefore, keeping open all the rights and contentions of the defendants, the chamber summons is allowed and accordingly disposed in terms of prayer clause – (a).

4 The amendment to be carried out and copy of the amended plaint to be served within two weeks from today.

CHAMBER SUMMONS NO.842 OF 2016

1 Mr. Shah, counsel for the plaintiff states that the relief as sought in the chamber summons is against defendant nos.2 and 3. Mr. Shah further states that the defendant no.2 has been served and undertakes to file affidavit of service within one week from today. No reply has been filed by defendant no.2 nor anyone is present today for defendant no.2.

2 Mr. Raje, counsel for the defendant nos.3, 7 to 9 states that in paragraph 3 of the affidavit in support a bald averment has been made “there are certain assets of the deceased which were not even disclosed in the testamentary petition” whereas it should be specific. Mr. Shah states that one of the asset is as per the Schedule annexed to the chamber summons no.1211 of 2015 which has been disposed pursuant to the above order. Mr. Shah further states that the plaintiff

does not really know what are the other assets which defendant nos.2 and 3 might be aware of.

3 The defendant nos.2 and 3 are directed to file an affidavit in reply in which they shall provide details of the asset which has got introduced pursuant to the above chamber summons no.1211 of 2015 and also disclosed in the said affidavit and details of any other asset which is in their control or possession or which they believe should form part of the estate. They should also mention in the affidavit that there are no other assets apart from what is disclosed in the said affidavit.

 This affidavit to be filed and copy served within two weeks from today.

4 This chamber summons to be listed for hearing on 13th February, 2017.

(K.R.SHRIRAM,J)