

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

**CHAMBER SUMMONS NO.1737 OF 2016
WITH
NOTICE OF MOTION (L) NO.2575 OF 2016
IN
SUIT NO.731 OF 2016**

Viren Navnitlal Thakkar/MadlaniApplicant/Plaintiff

V/s.

Dhirajlal Amritlal Thakkar & Ors.Defendants

Ms. Savita Nangare a/w. Ms. Devanshi Sithu i/b. ALMT Legal for the applicant/plaintiff.

Mr. Nirman Sharma i/b. Mr. Vijay Dhingreja for the defendant nos.1,2 and 4.

CORAM : K.R.SHRIRAM,J

DATE : 4th JANUARY, 2017

P.C.:-

CHAMBER SUMMONS NO.1737 OF 2016

1 This chamber summons is taken out by the plaintiff to bring on record the legal heirs of defendant no.1, who expired on 16th October, 2016 leaving behind his wife, i.e., defendant no.2 as his only legal heir and legal representative and also to strike of defendant no.1 from the array of defendants.

2 Mr. Sharma, counsel who was appearing for the deceased defendant no.1 and also defendant nos.2 and 4 states that he has no objection if the chamber summons is allowed.

3 Therefore, the chamber summons is allowed and accordingly disposed in terms of prayer clause – (a). The amendment to be carried out within two weeks from today.

4 Ms. Nangare, counsel for the plaintiff states that the plaintiff has taken out another notice of motion bearing lodging no.3291 of 2016 which also requires to be heard alongwith the notice of motion listed today. Ms. Nangare further states that they have received a copy of affidavit in reply to notice of motion lodging no.3291 of 2016 only today and the plaintiff wishes to put in a rejoinder.

5 Mr. Sharma, counsel for the defendant nos.1,2 and 4 states that the defendants do not wish to file any affidavit in reply to notice of motion lodging no.2575 of 2016 since the affidavit in reply filed in notice of motion lodging no.3291 of 2016 covers the notice of motion lodging no.2575 of 2016 as well.

6 Stand over to 6th February, 2017. In the meanwhile, the applicant in both the notices of motion to remove all office objections and get the notices of motion numbered.

(K.R.SHRIRAM,J)