

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

**CHAMBER SUMMONS NO.877 OF 2016
IN
SUIT NO.1998 OF 2007
WITH
NOTICE OF MOTION NO.3538 OF 2011**

Vithal Bhimanna Sonkamble And Others ... Applicants

Between

Jatin A. Sheth And Another ... Plaintiffs

Versus

M/s Matangi Property Pvt. Ltd. And Others ... Defendants

.....

Ms. Hina Mody for the Applicants in Chambe Summons No.877 of 2016.

Mr. Ankit R. Tripathi i/b FF And Associates for the Plaintiffs.

.....

CORAM : S.C.GUPTE, J.

DATE : 25 JULY 2017

P.C. :

. This Chamber Summons is taken out by four Applicants for being impleaded as legal heirs of the deceased Defendant Nos.34, 40, 41 and 44, respectively. Copies of death certificates have been produced before the Court. There is an affidavit in reply filed by the Plaintiffs to this Chamber Summons. The reply is on the basis that there is no subsisting cause of action against the deceased Defendants and that the Plaintiffs are not interested in prosecuting the suit as against legal heirs of the deceased Defendants.

2 It is not in dispute that the Applicants are legal heirs of the deceased Defendants. If the Plaintiffs do not propose to prosecute the suit against the Applicants as defendants, they may make appropriate statement at a later date, when the matter can be considered in the presence of all parties. Accordingly, the Chamber Summons is allowed in terms of prayer clause - (a). The Plaintiffs shall carry out the requisite amendment within a period of two weeks from today.

3 Learned Counsel for the Plaintiffs also submits that there are settlement talks between the Plaintiffs on the one hand and Defendant No.1 on the other, which will have a bearing on the controversy as a whole. He, accordingly, seeks time.

4 The Suit along with the Notice of Motion is stood over to 18 August 2017.

(S.C. GUPTE, J.)