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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1525 OF 2018

Shohrab Shahabuddin Farooqui ... Petitioner

V/s.

Mrs. S. Umavati Shetty and ors ... Respondents

Ms. Prachi Khandge i/by M. P. Vashi Associates, for
the Petitioner.

Ms. Purnima G. Bhatia, for the Respondent Nos. 1 to 4.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 1st MARCH, 2018.

P.C. :

1] Heard learned counsel for the petitioner and respondent.

2] By this petition filed under Article 227 of the Constitution of India, the petitioner is challenging the order dated 15th December, 2017, passed by Civil Civil Court, Mumbai, in Chamber Summons No.2063 of 2017, in Suit No.8388 of 1996.

3] The said Chamber Summons was filed by respondent-plaintiff to bring on record the legal heirs of deceased defendant No.1 and the trial Court vide its impugned order allowed the said Chamber Summons.

4] The contention of learned counsel for the petitioner is that the said Chamber Summons was filed beyond the period of 90 days and there was no ground made out for condonation of delay.

5] However, the perusal of Roznama of the trial Court shows that though defendant No.1 has expired on 24.08.2017 and the said fact was known to them on 29.08.2017, the names of legal heirs were informed to respondent -plaintiff only on 28th October, 2017, immediately thereafter the Chamber Summons is filed. The trial Court has also written in its order that the delay is of few days and therefore, not of much significance. Accordingly respondent plaintiff was directed to carry out amendment and tender the registered Chamber Summons.

6] Respondent-plaintiff was further directed to file fresh copy of amended plaint. Accordingly fresh typed copy of amended plaint was filed on 4th January, 2018. Then on the letter given by learned counsel for the petitioner, even the amended copy of plaint in the colour in which the amendment is carried out, was filed on 4th January, 2018. Not only that subsequent thereto on 30th January, 2018, Court has also proceeded with the further hearing of the suit.

7] Thus, the grievance raised by learned counsel for the petitioner is absolutely without any substance.

8] The impugned order passed by the trial Court needs no interference.

The Writ Petition stands dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]