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

CHAMBER SUMMONS NO.1438 OF 2016
IN
SUIT NO.281 OF 2014

Salma Hamid ...Applicant

IN THE MATTER BETWEEN :

Salma S. Hamid & Anr. ...Plaintiffs

V/s.

Nazim Hamid & Ors. ...Defendants

Mr.Rohan Savant I/b Mr.Mustafa Kachwala for the Applicant / Plaintiffs.

Mr.Rakesh Singh for the Defendants.

CORAM : R.D. DHANUKA, J.

DATE : 24TH NOVEMBER, 2018.

P.C. :-

1. By this chamber summons, the applicant seeks deletion of the defendant no.3, who has expired on 13th October, 2015. Mr.Singh, learned counsel appearing for the defendants states that the defendant nos.1 and 2 are the only legal heirs of the defendant no.3. The statement is accepted.

2. Since the legal heirs of the original defendant no.3 are already on record as the defendant nos.1 and 2, I am inclined to allow this chamber summons and to permit the applicant to delete

the name of the defendant no.3 from the cause title of the plaint and from the notice of motion and for consequential amendment.

3. For the reasons recorded in the affidavit in support of the chamber summons, the chamber summons is made absolute in terms of prayer clauses (a) to (c). The amendment to be carried out within two weeks from today. The amended copy of the plaint shall be served upon the learned advocate appearing for the defendant nos.1 and 2 and 4 within one week from the date of carrying out amendment. The applicant is also permitted to carry out consequential amendment. There shall be no order as to costs.

(R.D. DHANUKA, J.)