

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 1172 OF 2016
IN
SUIT NO. 371 OF 1982**

Vasudev Doulatram Chhabria ...Plaintiff
Versus
Ramchandra Doulatram Chhabria & Ors ...Defendants
And
Manmohan Vasudev Chhabria ...Applicant

**WITH
CHAMBER SUMMONS NO. 1170 OF 2018
IN
SUIT NO. 371 OF 1982
AND
CHAMBER SUMMONS (I) NO. 1341 OF 2018
IN
SUIT NO. 371 OF 1982**

Mr Mikhail Behl, *i/b ASA Desai for the Plaintiff & Applicant in
CHS/1170 of 2018.*

Mr Duregesh Kulkarni, *i/b Jainish Jain, for the Applicant in
CHSL/1341 of 2018.*

Ms Shivani Khanna, *with MS Bharti Bhansali, i/b FZB &
Associates, for the Applicant in CHS/1172 of 2016.*

Ms Purvi Jain, *i/b Navdeep Vora & Associates, for Defendants Nos. 2
and 3.*

CORAM: G.S. PATEL, J
DATED: 4th December 2018

PC:-

1. The Suit is for dissolution of a partnership firm. The sole Plaintiff, Vasudev Doulatram Chhabria, died on 22nd June 2014. There are now three Chamber Summonses by three of his sons, who are in seniority of age: Manmohan, who has filed Chamber Summons (L) No. 453 of 2016 (now numbered as Chamber Summons No. 1172 of 2018); Deepak, the Applicant in Chamber Summons (L) No. 1341 of 2018; and Anand, the Applicant in Chamber Summons No. 1170 of 2018.
2. In addition to being the eldest, Manmohan claims to be a Karta of Vasudev Chhabria's HUF.
3. In a suit such as this, it will not matter which of these three sons is made a party-Plaintiff, as long as the other sons are allowed to be represented and arrayed as Defendants to the action.
4. I will, therefore, allow Chamber Summons (L) No. 453 of 2016 (finally numbered as Chamber Summons No. 1172 of 2016).
5. The amendments permitted will also dispose of Chamber Summons (L) No. 1341 of 2018 and Chamber Summons No. 1170 of 2018. Deepak and Anand will be shown by that amendment as Defendants Nos. 4 and 5 to the suit.

6. Amendments to be carried out without need of reverification on or before 19th December 2018. The other Defendants will be served with a copy of the amended title.
7. Clearly, Anand and Deepak cannot file Written Statements since they sought to be the Plaintiffs in their late father's place.
8. The suit itself to be listed for framing issues on 9th January 2019.
9. Defendant No. 1 has passed away. Now that the suit has been amended, Manmohan will take necessary steps to bring the heirs of Defendant No. 1 on record, if they are not already arrayed as parties to the suit.
10. Should the substituted Plaintiff, Manmohan, seek any relief including as to withdrawal of any royalty amounts or other amounts, he will have to file appropriate proceedings.
11. All three Chamber Summonses are disposed of in these terms with no order as to costs.

(G. S. PATEL, J)