

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 348 OF 2017
IN
SUIT NO. 2619 OF 2009**

Pratap H Maniar	...Plaintiff
<i>Versus</i>	
Ranjit H Maniar & Anr	...Defendants
<i>And</i>	
Jai Pratap Maniar	...Applicant

Mr Ankush S Pal, I/b Mannadiar & Co, for the Applicant.

**CORAM: G.S. PATEL, J
DATED: 22nd November 2018**

PC:-

1. The Chamber Summons seeks to set aside an abatement and then to implead the heirs and legal representatives of the deceased Plaintiff. There is a delay of nine months. There is an Affidavit of Service dated 21st March 2017. It shows that the Chamber Summons was served on that very day.

2. None appears for the Defendants despite service.

3. The reason for the delay is that the sole Plaintiff died at an early age and was survived by his widow and two sons. The Applicants are his heirs. They say that by the time they came to terms the loss in their family and took search of the deceased's assets, the suit had already abated.

4. Having regard to what is stated in the Affidavit in Support, I will allow the Chamber Summons in terms of prayer clauses (a) to (e).

5. Amendments are to be carried out on or before 7th December 2018.

6. A copy of the amended Plaint will be served on the Advocates for the Defendants on or before 21st December 2018.

7. Suit to be listed for directions on 9th January 2019.

(G. S. PATEL, J)