

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**CHAMBER SUMMONS NO. 311 OF 2018**  
**IN**  
**EXECUTION APPLICATION NO. 214 OF 2006**  
**IN**  
**SUIT NO. 550 OF 1981**

|                            |               |
|----------------------------|---------------|
| Kirit Jamnadas Mehta & Anr | ...Plaintiffs |
| <i>Versus</i>              |               |
| Nilima Ganpat Patil & Ors  | ...Defendant  |

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**Ms Kranti Hiwrale**, *for the Plaintiffs.*  
**Mr RS Tripathi**, *for the Defendant No.1A.*  
**Mr Prashant Tikare**, *for the Respondents Nos. 2(b), 2(d) & 2(e).*

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**CORAM: G.S. PATEL, J**  
**DATED: 11th June 2018**

**PC:-**

1. The Chamber Summons will have to be allowed. In this, the 1st Plaintiff seeks deletion of the name of the 2nd Plaintiff, as a result of which the 1st Plaintiff will carry on the Execution Application in his sole name. The reason given is that under an agreement dated 8th August 2011, the 2nd Plaintiff assigned all her share, right, title and interest in respect of the property described in the schedule in favour of the 1st Plaintiff. The 2nd Plaintiff thus has

no actionable claim to put into execution and as assigned her rights in this to the 1st Plaintiff.

2. The Chamber Summons is allowed in terms of prayer clause (a). Amendment to be carried out without need of reverification, within a period of one week from today.

3. The Execution Application and all other applications in the Execution Application will have to be amended accordingly. All such amendments are permitted. Copies of amendment applications will be served on the Advocates for the contesting Defendants.

4. All rights and contentions are kept open on behalf of the Defendants.

5. The Chamber Summons filed by Defendant No. 1A will be listed after it is finally registered. The Notice of Motion by Defendants Nos. 2(b), 2(d) and 2(e) will be listed with the Chamber Summons filed by Defendant No. 1A on 27th June 2018.

**(G. S. PATEL, J)**