

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
CHAMBER SUMMONS NO. 381 OF 2017  
IN  
SUIT NO. 1756 OF 2010**

|                                       |               |
|---------------------------------------|---------------|
| Purshottambhai Alias Dantubhai N Tank | ...Plaintiff  |
| <i>Versus</i>                         |               |
| Kashiben Dhanji Tank & Ors            | ...Defendants |
| <i>And</i>                            |               |
| Pushpaben Purshottam Tank & Ors       | ...Applicants |

---

**Mr Shashikant P Chaudhari**, *with Snehal S Chaudhary, Pranot P Pawar, I/b Maharashtra Law Associates, for the Applicants.*  
**Mr Amogh Karandikar**, *for Defendant No. 12(A).*  
**Ms Rujuta Patil**, *I/b Negandhi Shah & Himayatullah, for Defendants Nos. 32 & 33.*

---

**CORAM: G.S. PATEL, J**  
**DATED: 14th March 2018**

**PC:-**

1. Heard.
  
2. The delay, if any, and whatever it is, is condoned. The Chamber Summons seeks to set aside an order of 9th February 2017. By that order, the Court noted that the Applicant had

withdrawn the earlier Chamber Summons to implead the heirs of the Plaintiff. It was on that basis that he held the Suit had abated.

3. It seems that in the earlier Chamber Summons not all heirs are properly placed or brought. It was withdrawn for that reason, with liberty to bring a proper Chamber Summons. This seems not to have been pointed out to the Court at the time of the order dated 9th February 2017.

4. In that view of the matter, the Chamber Summons is made absolute in terms of prayer clauses (a) and (b). Amendment to be carried out within a period of two weeks from today.

5. The newly added Defendants will be served with the copies of amendment and with all other papers.

6. The Chamber Summons is disposed of in these terms. No costs.

7. List the Suit as per the CMIS date.

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