

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

**CHAMBER SUMMONS NO.534 OF 2015
WITH
CHAMBER SUMMONS NO.1436 OF 2015
IN
SUIT NO.3237 OF 2009**

Bina T. PhulwarPlaintiff

Vs.

Draupadi Venkat Narayan & Ors.Defendants

Mr. Priyank Kapadia a/w. Mr. Rishir Daulat I/b. TRD Associates for plaintiff.
Mr. J.S. Shukla a/w. Mr. Nitesh Pandey I/b. Vaibhav Mehta and Co. for
defendant nos.1 and 2.

Ms. Rajkumari Datta, applicant in CHS/534/2015 present.

CORAM : K.R.SHRIRAM, J.

DATE : 25th SEPTEMBER 2018

P.C.:

CHAMBER SUMMONS NO.1436 OF 2015

1 Mr. Kapadia, counsel for plaintiff states that plaintiff died
issueless on 17th June 2018. Mr. Kapadia states that he has not received any
instructions from the legal heirs and he also does not know who will be the
legal heirs.

2 Therefore, the chamber summons at this point of time cannot
survive. Chamber summons dismissed.

3 It is open to the legal heirs to take such proceedings as advised.

CHAMBER SUMMONS NO.534 OF 2015

1 Applicant is present in Court but the advocate is absent.

2 This chamber summons is to direct plaintiff to add applicant as party defendant to the suit. Plaintiff has expired issueless on 17th June 2018. It is not even clear whether any legal heirs will step in to prosecute the suit.

3 Therefore, chamber summons is dismissed with liberty to take out fresh chamber summons after the legal heirs of plaintiff are brought on record.

4 Mr. Shukla, counsel for defendant nos.1 and 2 states that defendant no.1 expired on 30th January 2017 and the names of the legal heirs have been provided to the advocate who was on record for plaintiff. Statement noted.

(K.R. SHRIRAM, J.)

Gauri
Amit
Gaekwad

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