

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

**SUIT NO.260 OF 2012
WITH
NOTICE OF MOTION NO.1039 OF 2014
WITH
CHAMBER SUMMONS NO.996 OF 2017**

Kiran L. Kapadia	...	Plaintiff
Versus		
Seth Devidas Lallubhai Public Charitable Trust And Others	...	Defendants

.....

Mr. Madhusoodanan Nair a/w Mr. Sharad Agre I/b KPMC Legal for the Plaintiff.

Mr. Jayesh Mestry a/w Swapnil Shikare and Mr. Akshat Shah I/b RMG Law Associates for Defendant Nos.1 to 4.

Advocate (appearance not given) I/b Mahendra Patel & Associates for Defendant No.6/Applicant in Notice of Motion No.1039 of 2014.

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CORAM : S.C. GUPTE, J.

DATE : 21 SEPTEMBER 2018

P.C. :

. Heard learned Counsel for the parties.

2 Chamber Summons No.996 of 2017 seeks amendment of the plaint by deleting the name of Defendant No.4 and substituting the same with the name of proposed Defendant No.4. Defendant No.1 is a trust and Defendant Nos.2 to 6 have been trustees. During the pendency of the suit, Defendant No.4 has resigned as a trustee and in his place, proposed

Defendant No.4 has been inducted in the board of trustees. Accordingly, the chamber summons is allowed in terms of prayer clause-(a). Amendment to be carried out within two weeks. The Chamber Summons is disposed of.

3 Notice of Motion No.1039 of 2014 is taken out by Defendant No.6 for recall of an order passed by Prothonotary and Senior Master of this court transferring the suit to the list of undefended suits and seeking opportunity to file written statement. For the reasons stated in the affidavit in support of the Notice of Motion, the Notice of Motion is made absolute in terms of prayer clause-(a). Defendant No.6 shall pay costs in the sum of Rs.10,000/- (Rs.Ten Thousand Only) to the Plaintiff. Costs to be paid within four weeks. Written statement to be filed within two weeks from today. The Notice of Motion is disposed of.

4 The Suit to come up for framing of issues on 25 October 2018.

(S.C. GUPTE, J.)