

Atul/Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 741 OF 2018
IN
CHAMBER SUMMONS NO. 1528 OF 2016
IN
SUIT NO. 1714 OF 1985
WITH
CHAMBER SUMMONS NO. 1528 OF 2016
IN
SUIT NO. 1714 OF 1985**

Abdul Aziz Fazalbhoy Rajwani & Anr	...Plaintiffs
<i>Versus</i>	
Theresa Mary Almeida & Ors	...Defendants
<i>And</i>	
Amin Abdul Aziz Rajwani & Ors	...Applicants

Mr Pradeep Sancheti, Senior Advocate, with Farhan Dubash, Nikita Jacob, & SB Pawar, i/b SK Legal Associates, for the Applicants in both the CHSs.

Mr Cyrus Ardeshir, with M Khan, I/b Shane Cardoz, for the Plaintiffs.

CORAM: G.S. PATEL, J
DATED: 31st July 2018

PC:-

Chamber Summons No. 741 of 2018:

1. For the reasons set out in the Affidavit in Support and in view of the order dated 19th June 2018, this Chamber Summons is made absolute in terms of prayer clauses (a) and (b).
2. Amendment to be carried out forthwith in Court without need of reverification.

Chamber Summons No. 1528 of 2016:

3. The Chamber Summons has been amended by a separate order made this morning on Chamber Summons No. 741 of 2018. The Applicants to the present Chamber Summons No. 1528 of 2016 will be joined as party Defendants from Defendant No. 13 onwards.
4. It is perhaps only necessary to clarify these Applicants are the heirs of one of the previous Plaintiffs. They are, therefore, joined as formal Defendants with no relief sought against them. Mr Ardeshir on instructions confirms that no amendment is proposed to the plaint to seek reliefs against the newly added Defendants. Consequently, at the time of trial, when the sole continuing Plaintiff leads evidence, it will only be necessary to ensure that since the newly added Defendants have an interest in common with the Plaintiff, it is those newly added Defendants who must cross-examine that witness first, (should they have any legitimate questions in cross-examination), i.e. before any of the other Defendants.

5. The Chamber Summons No. 1528 of 2016 is disposed of accordingly.

6. Amendment to the cause title of the plaint to be carried out within a period of one week from today. A copy of the amended cause title will be served on the advocates for all the other Defendants.

(G. S. PATEL, J)