

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

CHAMBER SUMMONS NO.996 OF 2013
IN
SUIT NO.1255 OF 2012
WITH
NOTICE OF MOTION NO.1744 OF 2016
WITH
NOTICE OF MOTION NO.1550 OF 2018

Sushant R. Acharya ... Applicant/Plaintiff
Versus
Nandkishore A. Acharya
And Another ... Respondent/Defendants
.....
Ms. Rajalakshmy Mohandas for the Applicant/Plaintiff.
Mr. Shailendra S. Kanetkar for Defendant No.1.

CORAM : S.C.GUPTE, J.

DATE : 17 SEPTEMBER 2018

P.C. :

. It appears that the original claim in the chamber summons has already been granted by this court in as much as the Applicants have been joined as party defendants to the suit and appropriate orders are passed. The chamber summons is treated as disposed of.

2 It appears that Defendant No.1 has died longtime back as noted in
the order passed by this Court on 13 September 2017. The particulars of
the legal heirs of the deceased have been duly furnished as also the death
certificate of the deceased. The Plaintiff has not taken any step for

bringing on record legal heirs of the deceased. The suit has, accordingly, abated against Defendant No.1. Learned Counsel for the Plaintiff submits that her client has been suffering from cancer and is seriously indisposed and as a result, he could not take steps. Be that as it may, as and when any application is moved by the Plaintiff for setting aside the abatement of the suit as against Defendant No.1, these aspects shall be considered by this court.

(S.C. GUPTE, J.)