

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 144 OF 2018
IN
TESTAMENTARY SUIT NO. 120 OF 2016
IN
TESTAMENTARY PETITION NO. 293 OF 2016

**Ms.Shailabala Kamat @
Shailabala d/o Vinayak Kamat @
Kamat Shailabala Vinayak**

..... Deceased

Vidya Balakrishna Shenoy & Anr.

..... Applicants

IN THE MATTER BEWTEEN

Sunetra Dattatraya Saple & Anr.

..... Petitioners

VERSUS

Vidya Balakrishna Shenoy & Anr.

**..... Defendants/
Caveators**

Ms.S.M.Dandekar for the Applicants.

Ms.Prasanna Deshmukh, i/b. Mr.Shekhar Jagtap for the Respondents/Original Plaintiffs.

CORAM : R.D. DHANUKA, J.

DATE : 5th DECEMBER, 2018

P.C.

Learned counsel appearing for the petitioners states that the learned advocate on record proposes to apply for his discharge in the matter. No affidavit in reply is filed by the original petitioner though served with this chamber summons in advance.

2. Heard Ms.Dandekar, learned counsel appearing for the

applicants and I have perused the averments made in the affidavit in support of the chamber summons. The applicants claim to be the legal heirs of the said deceased Ms.Shailabala Kamat and has already obtained succession certificate of the said deceased Ms.Shailabala Kamat. She submits that no citation was served upon her clients though they are Class II legal heirs. No affidavit in reply is filed by any of the petitioners.

3. The applicants are accordingly permitted to be impleaded as defendant nos. 3 and 4.

4. The original petitioners are directed to carry out amendment within two weeks from today. It is made clear that if the petitioners does not carry out amendment within two weeks from today, the applicants to this chamber summons would be permitted to carry out amendment.

5. Chamber summons is allowed in the aforesaid terms. No orders as to costs.

[R.D. DHANUKA, J.]