

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS No. 67 of 2018

IN

SUIT No.991 of 2014.

Nitin Kantilal Gandhi

..Applicant.

In the matter between :-

Nitin Kantilal Gandhi

..Plaintiff.

Vs

Cynthia Noronha & Ors

..Defendants.

Mr. Apoorv Karekar I/by Divekar Bhagwat & Co.
Advocate for the Plaintiff.

Ms. Soniya Putta I/by M/s Soloman & Co. Advocate for
Defendant No. 2 and 4.

CORAM : B. P. COLABAWALLA, J.

DATED :- 16TH JANUARY, 2019.

P.C. :

1) This Chamber Summons has been filed by the Plaintiff seeking an amendment of the plaint in terms of the Schedule annexed thereto. This chamber summons is necessitated in view of the fact that Defendant No.1 expired on 5th November, 2017 and her name ought to be deleted.

2) As far as heirs of defendant No.1 are concerned, they are already defendants to the suit. This being the case, the chamber summons is allowed in terms of prayer clauses (a), (b) and (c) which read thus :-

(a) That the abatement of the Suit as against the defendant No.1 be set aside;

(b) That the Plaintiff be permitted to delete the name of the deceased Defendant No.1 from the cause title of the Plaint;

(c) That the Plaintiff be permitted to amend the Plaint in terms of the Schedule annexed hereto.

3) The amendment to be carried out within a period of two weeks from today and an amended copy of the plaint shall be served on all the defendants either personally or through their Advocates within a period of two weeks thereafter. The defendants shall be at liberty to file additional written statement within a period of eight weeks from the date of service of the amended copy of the plaint.

4) Chamber summons is disposed of in the aforesaid terms. No order as to costs.

(B.P. COLABAWALLA, J.)