

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

**CHAMBER SUMMONS NO. 583 OF 2019
IN
EXECUTION APPLICATION NO. 129 OF 2014**

**AND
CHAMBER SUMMONS NO. 588 OF 2019
IN
EXECUTION APPLICATION NO. 1780 OF 2015**

Nipun Thakkar ... Applicant/Plaintiff
Versus
Manharlal Mohanlal Shah
(since deceased through heirs) & Anr. ... Defendants

Mr. D.S. Patil a/w Mr. B.G. Ligade for the Applicant.
None for the Defendants.

CORAM : R.I. CHAGLA, J.

DATED : 12th JUNE, 2019.

P.C. :

1 Heard the learned Counsel for the Applicant. This Chamber Summons is taken out for bringing the legal heirs of Original Defendant No.5 in the Suit on record as per the schedule annexed to the Chamber Summons. The Chamber Summons has been taken out on 07.02.2019. The Advocates for the Applicant/Plaintiff were informed of the death of the Original Defendant No.5 by the Advocates who was appearing for

Defendant No.5 on 02.02.2019. The legal heirs of Original Defendant No.5 have also been mentioned in the letter dated 02.02.2019. The Chamber Summons having been filed within 90 days period stipulated under Article 120 of the Schedule of Limitation Act, 1963, is required to be made absolute in terms of prayer clause (b). Accordingly, the Chamber Summons is made absolute in terms of prayer clause (b). The amendment be made in the cause title of Execution Application and all proceedings filed therein to bring on record the legal heirs of Original Defendant No.5 which shall be carried out within a period of one week.

2 Chamber Summons is accordingly disposed of in the above terms.

3 Re-verification is dispensed with.

4 Execution Application stand over to 24.06.2019.

(R.I. CHAGLA, J.)