

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

**CHAMBER SUMMONS NO.388 OF 2015
IN
EXECUTION APPLICATION NO.538 OF 2001
IN
AWARD NO.17 OF 1998**

Smt. Daksha Kiran Sheth & Ors

.... Applicants.

versus

Hasmukhlal Harilal Doshi & Ors.

.... Respondents

.....

- Mr. Mankar Patil, for the Claimants/Applicants.
- Ms. Sujata Goalkar i/b. AKS Consultants, for Respondent Nos. 3 & 4.

CORAM:

R. I. CHAGLA J.

DATE :

14th NOVEMBER, 2019

P.C. :

The Chamber Summons No.388/2015 has been taken out in the Execution Application for substitution of respondent No.1 / judgment debtor, who had expired, with respondent Nos.1(a) to 1(d) who are stated to be legal heirs of original respondent No.1. By an order dated 19/1/2015 in Chamber

Summons No.1564/2013 taken out in the above Execution Application, the Applicant was permitted to take the place of the original claimant. It was recorded in the said order that the applicant shall bring the heirs of the deceased judgment debtor on record.

2. The learned Counsel appearing for the applicant has stated that the Department did not permit the applicant to bring the heirs of deceased on record as the applicant was required to take out a separate application seeking the leave of this Court for that purpose. Accordingly, this application has been taken out by the applicant.

2. There is no opposition to the Chamber Summons. The Chamber Summons is allowed in terms of prayer clauses (b) and (d).

3. The amendment in the Execution Application as well as in the proceedings taken out in the Execution Application shall be carried out within a period of six weeks from the date of this

order.

4. The Chamber Summons is accordingly disposed of in above terms.

(R. I. CHAGLA J.)