

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS (L) NO. 316 OF 2019
IN
SUIT NO. 3107 of 1992**

Bharati D Chinai & Anr		...Applicants/ Plaintiffs
<i>Versus</i>		
Madhukar C Chinai & Anr		...Defendants
<i>Versus</i>		
Miheer M Chinai & Ors		...Proposed Respondents

Ms Kavita Shah, for the Applicant.

**Mr Rachit Thakar, i/b Rustamji & Ginwala, for Defendant No.1 and
Proposed Respondent No.3 in Chamber Summons (L) No. 316 of
2019.**

**Ms LM Jenkins, i/b LMJ Law Practice, for Proposed Respondents Nos.
1 and 2 in Chamber Summons (L) No. 316 of 2019.**

**CORAM: G.S. PATEL, J
DATED: 26th February 2019**

PC:-

1. It is true that this matter has been pending before me for sometime for pronouncement of Judgment. In the meantime, the 1st Defendant died on 21st January 2019. There is the inevitable amendment that is required which I will allow deleting the name of

1st Defendant and adding Defendants Nos. 1(a), 1(b) and 1(c) as his heirs. Similarly the other amendments to add paragraph 1A are also permitted.

2. Reverification dispensed with.

3. The other prayer in the Chamber Summons seeks a restraint against newly added Defendants from disposing of the flat in question, Flat No. 7, Bharatiya Bhavan Cooperative Housing Society Limited, 72, Marine Drive, Mumbai 400 002, for a period of four weeks. I will grant that restraint temporarily until 15th March 2019 when the matter will be listed for final orders. On that date I will make a further order in regard to the flat.

4. Affidavit of Service is to be filed in the Registry.

5. The Chamber Summons is disposed of in these terms.

(G. S. PATEL, J)