

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL CHAMBER SUMMONS NO.54 OF 2019
WITH
COMMERCIAL NOTICE OF MOTION NO.698 OF 2017
IN
COMMERCIAL SUIT NO.405 OF 2017**

The Maharashtra State Road Development
Corporation LimitedPlaintiff

Vs.

Vinod Goverdhandas Agrawal and Ors.Defendants

Mr. O. Mohandas a/w. Mr. J.P. Kapadia i/b. Little and Company for
applicant/plaintiff.

Ms. S.P. Trivedi i/b. A. Bharat and Company for defendant nos.1 and 2.

**CORAM : K.R.SHRIRAM, J.
DATE : 18th MARCH 2019**

P.C.:

COMMERCIAL CHAMBER SUMMONS NO.54 OF 2019

1 Ms. Trivedi, counsel for defendant nos.1 and 2 states that defendant no.3 had died before the suit was filed and defendant no.3 and defendant no.2 were partners of defendant no.1. Ms. Tripathi states that she provided the details of the legal heirs of defendant no.3 to plaintiff's advocates by a letter dated 13.02.2018 and hence, this Court can allow the chamber summons.

2 Chamber summons is allowed and accordingly disposed in terms of prayer clauses - (a) and (b).

3 Amendment to be carried out and copy of the amended plaint to be served within three weeks from today.

4 Despite the fact that the cause list was released on 15.03.2019 and despite repeatedly asking plaintiff's counsel, nobody is able to answer the date on which writ of summons was served. It reflects plaintiff's sorry state of affairs. I have to also note that in the chamber summons instead of showing the legal heirs as respondents they have been shown as interveners by plaintiff.

5 To enable plaintiff's advocates to go through their records and find out whether writ of summons has been served and if so, on what date, stand over to 14.06.2019 for directions.

6 A copy of this order be sent to plaintiff directly by registry.

(K.R. SHRIRAM, J.)