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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.**

**CHAMBER SUMMONS NO. 683 OF 2019
IN
SUIT NO. 351 OF 2013**

Surendra Tilokdhari Mishra	...Applicant
In the matter between	
Tilakdhari Jagannath Mishra & Ors.	...Plaintiffs
VS	
M/s Asha Developers & 9 Ors.	...Defendants

.....
Mr Sarosh Bharucha, Mr Shrey Fatterpekar I/b HK Law Associates
for the Applicant.

Mr Chaitanyaa Bhandarkar for defendant Nos.1 and 2.

Mr Bhupendra Mishra, defendant No.4 and Mr Mahendra Mishra,
defendant No.5 both present in court.

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**CORAM : B. P. COLABAWALLA, J.
JUNE 19, 2019.**

P.C. :

This Chamber Summons has been filed to bring the heirs
of deceased plaintiff No.1 on record and for consequential
amendments mentioned in the schedule annexed to the Chamber
Summons. The original plaintiff No.1 passed away on 14th February,
2019. The present Chamber Summons has been lodged on 25th April,
2019, and therefore, it is clearly within time.

2 Learned advocate appearing on behalf of defendant

Nos.1 and 2 states that they have no objection if the Chamber Summons is allowed. As far as defendant Nos.3 and 7 to 9 are concerned, there is an order that the suit shall proceed undefended against them. In view of these circumstances and considering the averments in the affidavit in support of the Chamber Summons, the same is allowed in terms of prayer clauses (a) and (b) which reads thus -

- “(a) that the name of the deceased original plaintiff No.1 be deleted from the cause title and the applicant be brought on record as plaintiff No.1(a) as legal heir of the deceased original plaintiff No.1;
- (b) that the applicant be granted leave and be permitted to carry out the amendments to the plaint in terms of the proposed amendments set out in the schedule annexed hereto.”

The amendments to the plaint and all pending interlocutory proceedings shall be carried out within a period of two weeks from today. Thereafter, the amended copy of the plaint and all interlocutory proceedings shall be served on all the defendants within a period of two weeks thereafter. The Chamber Summons is accordingly disposed of. No order as to costs.

(B.P.COLABAWALLA, J.)