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

**SUIT NO. 509 OF 2007
WITH
CHAMBER SUMMONS NO. 707 OF 2019**

S.A. Contractor & Co. ... Plaintiff
Vs.
Blessie J. Fernandes & Ors. ... Defendants

S.N. Saroj, I/b K.R. Parekh & Co. for the Plaintiff.
Eventia A. Gonsalvis for the Defendants.
Vivian D'Souza for Defendant No.3.

CORAM: R. I. CHAGLA, J.
DATE: 31ST JULY, 2019.

PC:-

1. This Chamber Summons has been taken out for amendment of the Plaint on account of the death of Defendant No.1 on 1st June, 2018 which was informed by the Defendant Nos. 2 & 4 vide letter dated 19th March, 2019. It is stated that the Defendant Nos. 2 to 5 who are the heirs of deceased, Defendant No.1 are already on record. Accordingly, deletion of the Defendant No.1 from the title of the Suit as well as the averment in paragraph 1 (a) in the Plaint which is set out in the schedule is required to be carried out in the Plaint by way of amendment.

2. Considering that Defendant No.1 expired, it would be appropriate to allow the Plaintiff to carry out the amendment as per the schedule annexed to the Chamber Summons.
3. Amendment shall be carried out by the Plaintiffs within a period of one week. The Plaintiffs shall serve upon the Defendants the amended Plaint within a period of one week from the carrying out the amendment. The Defendants are at liberty to file Written Statement to the amended Plaint within a period of two weeks thereafter.
4. Accordingly, the Chamber Summons is made absolute in terms of the prayer clauses (a) and (b).
5. Place the Suit for marking of documents on 11th September, 2019.

(R I. CHAGLA, J.)