

Respondents No. 2 and 3 are sought to be brought on record as Defendants No. 1(a) and 1(b) in place of deceased Defendant No. 1 and for Respondent No. 1 to continue as Defendant No. 2 and the deceased Plaintiff No. 1 to be deleted from the cause title.

2. The legal heirs of the deceased Plaintiff No. 1 is Plaintiffs No. 2 and 3 who already on record as Plaintiffs.

3. Annexed to the Affidavit in support of the Chamber Summons is a letter dated 1st June 2019 addressed by the Advocates for the deceased Defendant No. 1 who had expired and in which the Advocate for the Plaintiffs have been intimated as to the heirs of the deceased Defendant No. 1. There is no opposition to the Chamber Summons.

4. Accordingly, the Chamber Summons is made absolute in terms of prayer clauses (a) to (e) of the Chamber Summons.

5. The Plaintiffs shall carry out the amendment within a period of three weeks from the date of this order.

6. The learned Counsel for the Plaintiffs seeks deletion of Defendant No. 11 in the light of the statement made by the learned Counsel for Defendant No. 11 on 22nd July 2019 that the Defendant No. 11 who had expired is represented by the heir viz. Defendant No. 13.

7. Accordingly, the Plaintiffs are permitted to amend the Plaint by deleting name of Defendant No. 11 in the cause title. Defendant No. 13 shall also be shown as heir of Defendant No. 11.

8. List the Suit for directions on 11th September 2019.

[R.I. CHAGLA J.]