

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 908 OF 2018
IN
SUIT NO. 423 OF 2014

Dalvinder Kaur Chadha

..... Applicant
(Org.Plaintiff no.2)

IN THE MATTER BETWEEN

**Amardeep Singh Sujan Singh Chadha
& Anr.**

..... Plaintiffs

VERSUS

**Inderjeet Singh Amardeep Chadha
@ Supremo**

..... Defendant

Ms.Veena Thadani for the Applicant.

Mr.Omprakash Pandey, a/w. Ms.Anita Vasani, i/b. M/s.Pandey & Co.
for the Defendant.

CORAM : R.D. DHANUKA, J.

DATE : 5th FEBRUARY, 2019

P.C.

By this chamber summons, the applicant seeks condonation of delay in filing chamber summons, deletion of name of plaintiff no.1 who has expired and for impleadment of Ms.Gogi Kaur Keer @ Daljeet Tarvinder Keer, married daughter of the original plaintiff no.1 and plaintiff no.2.

2. Mr.Pandey, learned counsel for the defendant strongly opposes this chamber summons on the ground that the daughter cannot be

impleaded in place of the original plaintiff no.1 since she is neither a necessary nor a proper party to the suit.

3. The defendant does not dispute that the said Ms.Gogi Kaur Keer @ Daljeet Tarvinder Keer is the daughter of the original plaintiff no.1 who has expired. The defendant does not object to the deletion of the name of the plaintiff no.1 from the cause title of the plaint.

4. In my view, the cause of action survives upon the demise of the original plaintiff no.1 and thus the daughter Ms.Gogi Kaur Keer @ Daljeet Tarvinder Keer being one of the legal heir of the said deceased is necessary party to the suit.

5. The objection raised by Mr.Pandey, learned counsel for the defendant is totally frivolous and is accordingly rejected.

6. Chamber summons is accordingly made absolute in terms of prayer clauses (a) to (d). No order as to costs.

7. Amendment to be carried out within two weeks from today. Amended copy of the plaint shall be served upon the defendant's advocate simultaneously.

[R.D. DHANUKA, J.]