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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION

CHAMBER SUMMONS NO.98 OF 2018
IN
TESTAMENTARY SUIT NO.4 OF 1998
IN
TESTAMENTARY PETITION NO.532 OF 1995

Joseph G. D'Souza & Anr. ...Applicants

IN THE MATTER BETWEEN :

Joseph G. D'Souza & Anr. ...Plaintiffs

V/s.

Neri Murzello & Anr. ...Defendants

And

David M.N. Saunders ...Respondent

Ms.Geeta Sonawane I/b Mr.Denzil D'Mello for the Applicants / Plaintiffs.

Ms.Rohini Dhadavkar I/b Mr.V.Y. Sanglikar for the Defendants.

CORAM : R.D. DHANUKA, J.

DATE : 5TH MARCH, 2019.

P.C. :-

1. Learned counsel appearing for the applicants states that the proposed defendant is served through her husband on 31st October, 2018. The acknowledgement has not been received so far. She submits that the said chamber summons had been sent to the correct address. The statement is accepted.

2. By this chamber summons, the applicants seek to bring the legal heirs of the defendant no.1(h) on record, who expired on 27th May, 2018 leaving behind the defendant no.1(h)(i) who is her husband as the only legal heir. The chamber summons is filed within the time prescribed. The case is made out by the applicants for grant of the amendment as prayed for the reasons recorded in the summons.

3. The chamber summons is made absolute in terms of prayer clauses (a) to (c). The amendment to be carried out within two weeks from today. The amended copy of the plaint shall be served upon the other defendants within one week from the date of carrying out amendment. The amended copy of the plaint shall be served upon the newly added party within eight weeks from the date of carrying out amendment.

4. The chamber summons is disposed of in aforesaid terms. There shall be no order as to costs.

(R.D. DHANUKA, J.)