

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

CHAMBER SUMMONS No. 986 OF 2019

IN

SUIT No. 1364 OF 2011

Pratima Enterprises & Ors	..Plaintiffs.
Vs	
Nalin Pravinchandra Shah & Ors	..Defendants.
And	
Manan Nalin Shah & Ors	..Respondents.

Mr. H.S.S. Murthy and Mr. Abhishek Patil i/by Mr. A.A. Sikngh for the applicants/plaintiffs.

Mr. Shanay Shah a/with Ms. Juhi Dave i/by Dhruve Liladhar & Co. for defendant Nos. 1 to 5 as well as for the respondents.

CORAM : B. P. COLABAWALLA, J.
DATED :- 14th OCTOBER, 2019.

P.C. :-

1. This Chamber Summons has been filed by the plaintiffs to carry out the amendment to the plaint for bringing the legal heirs of deceased defendant Nos. 1 and 2 on record. The heirs are joined as respondents to the Chamber Summons.

2. The learned Advocate appearing on behalf of deceased defendant Nos. 1 and 2 as well as for defendant Nos. 3, 4 and 5 has stated that he has instructions to even appear on behalf of the respondents to the Chamber Summons. He stated that once they are joined, the said Advocate would be filing his Vakalatnama even for the respondents herein. The said statement is accepted.

3. There is no opposition to this Chamber Summons. Considering the averments made in the affidavit in support, the Chamber Summons is allowed in terms of prayer clause (a) and (b) which reads thus :-

(a) That this Hon'ble Court be pleased to permit the Respondents to be brought on record as legal heirs of the original defendant Nos. 1 and 2 and to allow the amendment of the Plaint and interim proceedings as per schedule annexed to the Chamber Summons.

(b) In the event this Hon'ble Court comes to the conclusion that there is a delay in filing the Chamber Summons and that the Suit is abated against defendant No.2, this Hon'ble Court be pleased to condone the delay in filing the Chamber Summons and the abatement of suit as against Defendant No.2 be set aside;

4. The amendment shall be carried out within a period of two weeks from today and the amended copy of the plaint shall be served on all the defendants including the newly added defendants within a period of two weeks thereafter. Re-verification is dispensed with.

5. The newly added defendants shall be at liberty to file their written statement within a period of two weeks from the date of service of the amended copy of the plaint. The Chamber Summons is disposed of in the aforesaid terms. No order as to costs.

6. List the above suit under caption for framing issues on 2nd December, 2019.

(B.P. COLABAWALLA, J.)