

Sharayu Khot.

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

CHAMBER SUMMONS (L) NO. 1109 OF 2019

IN

SUIT NO. 101 OF 2008

WITH

SUIT NO. 101 OF 2008

Shaila Kandalgaonkar & Others

**...Applicants/
Plaintiffs**

Versus

Dr. Ravindra G. Khedekar & Ors.

...Defendants

And

Subodh Sankarrao Patil & Anr.

...Respondents

Mr. Ishan Gambhir, i/by Vigil Juris, for the Applicants/Plaintiffs.

Mr. Sameer Khedekar, for the Defendants No. 2, 3 & 4.

CORAM : R.I. CHAGLA J.

DATE : 26 August 2019

ORDER :

1. This Chamber Summons seeks deletion of Defendant No.2 as party Defendant in the above Suit and for making Respondents No. 1 and 2 who are the only heirs of Defendant No. 2

as parties i.e. Defendant No. 2(a) and Defendant No. 2(b) in place of Defendant No. 2 who has expired.

2. The Chamber Summons had been taken out on 24th June 2019 upon learning of the demise of the Defendant No. 2 vide letter dated 13th June 2019 addressed by the Advocate of the Defendants No. 2, 3 and 4 to the Advocates of the Applicants. Defendant No. 2 has expired on 22nd March 2019 leaving behind her husband and her son as only heirs who are Respondents No. 1 and 2 to the Chamber Summons.

3. By an order dated 19th August 2019, this Court had granted permission to the Plaintiffs to file an appropriate application for deletion of Defendant No. 2 and for making heirs of Defendant No. 2 as party Defendants in the Suit. Although Chamber Summons dated 24th June 2019 had been taken out for that purpose and served upon the Defendants, it remained to be filed in this Court.

4. The learned Counsel for the Plaintiffs states that the Chamber Summons has thereafter been filed as directed by the order dated 19th August 2019.

5. The Chamber Summons is unopposed and hence, is made absolute in terms of prayer clauses (a) to (d).
6. The Plaintiffs shall carry out the amendment within a period of two weeks from the date of this order.
7. The Chamber Summons is accordingly, disposed of.
8. *Ad-interim* relief which is granted previously, shall continue till further orders.
9. The Suit shall be placed on 16th September 2019 for marking the Plaintiffs' documents.

[R.I. CHAGLA J.]