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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.**

CHAMBER SUMMONS NO. 1010 OF 2018
IN
SUIT NO. 844 OF 2013

Darryl Bosco Pereira & Ors.	...Applicants/Plaintiffs
vs	
Esarul Haq Usmani & Ors.	...Defendants.
And	
Mr Sam Thomas Mavelil & Ors.	...Respondents.

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Mr Reyden L. Gonsalves I/b Ms Eventa A. Gonsalves for the
Applicants/ Plaintiffs.
Mr Surya Das I/b R.R.Sharma for Defendant No.1.

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**CORAM : B.P.COLABAWALLA, J.
FEBRUARY 25, 2019.**

P.C. :

This Chamber Summons has been filed by the Applicants – Plaintiffs seeking to bring on record the legal heirs of deceased Defendant No.2. Defendant No.2 has expired on 12th June, 2018.

2 According to the Applicants – Plaintiffs, the Respondents in the Chamber Summons are the only heirs and legal representatives of Defendant No.2. The learned advocate appearing on behalf of the Applicants – Plaintiffs has tendered the affidavit of service dated 16th January, 2019 evidencing service of the Chamber Summons on the Respondents. The same is taken on record. Despite service, none have

appeared on behalf of the Respondents today.

2 In these circumstances, the Chamber Summons is allowed in terms of prayer clauses (a) and (b) which reads thus -

- “(a) That the name of deceased Defendant No.2 be deleted from the cause title of the plaint.
- (b) The Respondents be substituted as Defendants Nos.2(a) to 2(c) and the Plaintiffs be permitted to carry out the amendment to the plaint in the above suit as per the schedule annexed to the Chamber Summons.”

The amendment to be carried out in the suit and all pending proceedings, if any, within a period of two weeks from today. The Chamber Summons is disposed of accordingly. No order as to costs.

(B.P.COLABAWALLA, J.)