

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 1043 OF 2017
IN
SUIT NO. 2 OF 2009**

Sanjay Munshi ...Applicant

In the matter between

Sanjay Munshi ...Plaintiff

Versus

Jal Rustom Aria & ors. and Shabbir

Asgarali, Raj Kotwal and anr. ...Defendants

Ms. Rehmat Lokhandwala, i/b Jaykar & Partners, for the
Applicant/Plaintiff.

Ms. Ankita, a/w Nasrin Shaikh, i/b M/s. Desai & Diwanji, for
Defendant no.1

Ms. Sirisha Kurada, i/b Mr. S. V. Marne, for Defendant no.2.

CORAM: N. J. JAMADAR, J.

DATED : 2nd DECEMBER, 2019

PC:-

1. Heard the learned Counsels for the parties.
2. The chamber summons is taken out by the plaintiff to bring the legal representatives of defendant no.2 on record, who expired on 7th October, 2014.
3. There is a reply filed to the chamber summons, wherein, defendant no.1 has resisted the prayer on the count that the plaintiff was aware of the death of defendant no.2 and yet consciously chose not to bring the legal representatives of the deceased defendant no.2 on record.

4. Having regard to the nature of the dispute and the facts that the proceedings between the parties are pending before the various forums and for the averments made in the affidavit in support of chamber summons, the chamber summons deserves to be allowed.

5. Hence, the following order:

- (i) The chamber summons stands allowed in terms of prayer clause (a), (b) and (c).
- (ii) The plaintiff shall carry out the necessary amendment within three weeks from today.

6. On impleadment, the writ of summons be issued to newly added defendant nos.2(a) and 2(b), within three weeks thereafter.

7. The plaintiff shall supply the copies of the amended plaint for service upon defendant nos.2(a) and 2(b) and shall also supply the copies of the amended plaint to the rest of the defendants.

[N. J. JAMADAR, J.]