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

CHAMBER SUMMONS NO. 1180 OF 2018
IN
SUIT NO. 838 OF 2013

Shivkumar Amarnath Sharma ...Applicant/Plaintiff
vs
Maharashtra Housing & Area Development
Authority & Ors. ...Defendants.

.....
Mr Nishant Mohite I/b Pradeep Thorat for the Applicant/ Plaintiff.
Ms Aparna Murlidharan I/b P.G.Lad for Defendant No.1.
Mr Kedar Dighe AGP for Respondent No.3.
Mr Rupesh Lanjekar for Defendant Nos.4 to 12 and 14 to 17.

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

P.C. :

This Chamber Summons has been filed by the Applicant – Plaintiff to bring the legal heirs of deceased Defendant No.5 on record. The learned advocate appearing on behalf of proposed Defendant Nos. 5a to 5c, who are the legal heirs of deceased Defendant No.5, has fairly stated that they have no objection if they are brought on record.

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

“(a) That the delay of 35 days caused in filing present Chamber Summons be kindly condoned.

- (b) That the abatement of Suit No. 838 of 2013, if any, against deceased Defendant No.5 be set aside.
- (c) That by an Order of this Hon'ble Court, the proposed Defendant Nos.5a to 5c be permitted to be brought on record as Defendant Nos.5a to 5c being the only legal heirs and representatives of Defendant No.5 and the Plaintiff be permitted to amend the cause title of the Suit No.838 of 2013 as per the schedule annexed.”

The amendment to be carried out in the suit and all pending proceedings, if any, within a period of two weeks from today. Once the amendment is carried out, the Plaintiff is directed to serve an amended copy of the plaint on all the Defendants including the newly added Defendants. The Chamber Summons is disposed of accordingly.

No order as to costs.

(B.P.COLABAWALLA, J.)