

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 1 OF 2019
IN
SUIT NO. 1373 OF 1992

Banganga CHS Ltd. ...Applicant

In the matter between

Banganga CHS Ltd. ...Plaintiff

Versus

Vasanti Gajanan Nerurkar ...Defendant

Ms. Shruti a/w Mr. Onkar Mane, i/b Mr. Uday Warunjikar, for
the Plaintiff.

Mr. Vishal Kanade, i/b A. P. Rege, for the Defendant and
newly added Defendants.

CORAM: N. J. JAMADAR, J.

DATED : 5th DECEMBER, 2019

PC:-

1. Leave to amend.
2. The plaintiff shall carry out the necessary amendment as indicated in the schedule, with the change that instead of "8th October", "9th October" be mentioned, i.e. the date of death of the defendant.
3. Heard the learned Counsels for the parties.
4. The sole defendant, Vasanti Gajanan Nerurkar, expired in the month of October 2019. The proposed defendant nos.1(a) and 1(b) are stated to be the legal representatives of deceased defendant. The application is within the stipulated period.

5. Hence, the application stands allowed in terms of prayer clauses (a) and (b).
6. Amendment be carried out within two weeks from today.
7. The plaintiff shall serve copies of the amended plaint on defendant nos.1(a) and 1(b).
8. Mr. Kanade, the learned Counsel waives writ of summons for the newly impleaded defendant nos.1(a) and 1(b).
9. The newly impleaded defendants shall file affidavit in lieu of examination-in-chief of their witness alongwith compilation of documents, if any, within six weeks from their impleadment.
10. The interim application stands disposed of.
11. Suit be listed on 21st January, 2020.

[N. J. JAMADAR, J.]