

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 1 OF 2019
IN
SUIT NO. 1479 OF 2007**

Mrs. Manjula Suresh Goradia & ors. ...Applicants

In the matter between

Suresh Mohanlal Goradia ...Plaintiff

Versus

M/s. Shah Construction Company & anr. ...Defendants

Ms. Gauri Joshi, i/b S. K. Legal Associates LLP, for the
Plaintiff.

Ms. Pinky Sharma, a/w Mrunmayi Katawadekar, i/b V & M
Legal, for Defendant no.1.

Ms. Urvi Shah, i/b I. R. Joshi & Co., for Defendant no.2.

CORAM: N. J. JAMADAR, J.

DATED : 2nd JANUARY, 2020

PC:-

1. Not on board. Mentioned. Taken on board.
2. This is an application to bring the legal representatives of the sole plaintiff Suresh Mohanlal Goradia, who has died on 16th April, 2019. The application is supported by affidavit of applicant no.2 and a copy of death certificate of the sole plaintiff Suresh Goradia, which reveals that the plaintiff died on 16th April, 2019.
3. The notice of the application has been duly served on defendant no.1 and the Counsel for defendant no.2. As Ms. Shah, the learned Counsel for defendant no.2, is seeking

discharge, the applicant has also endeavoured to serve copy of the application on defendant no.2 - Gunwant Shah; however, the same is returned unserved.

4. For the reasons assigned in the application and to advance the cause of justice, the delay in seeking setting aside the abatement and bringing the legal representatives of the deceased plaintiff on record, is condoned.

5. The interim application stands allowed.

6. The abatement stands set aside.

7. The applicants are permitted to bring themselves on record as the legal representatives of the deceased plaintiff.

8. Necessary amendment be carried out in the plaint within three weeks from today.

9. Defendant nos.1 and 2 be served with the amended copies of the plaint within three weeks thereafter.

10. The application stands disposed of.

[N. J. JAMADAR, J.]