

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 2 OF 2019

IN

SUIT NO. 254 OF 2008

Smt. Sindhu P. Korgaonkar ...Applicant

In the matter between

Smt. Sindhu P. Korgaonkar & ors. ...Plaintiffs

Versus

Vilas Gajanan Mhatre & ors. ...Defendants

And

Smt. Urmila N. Chaudhary & ors. ...Respondents

Mr. Yogesh Palve, for the Applicant/Plaintiffs.

Mr. Vivek Khemka, i/b Dipesh Siroya, for Defendant no.1.

Ms. Shital Ekawade, for Defendant nos.3, 4(a) to 4(c)

Ms. Savina R. Crasto, for Defendant nos.6, 7, 8, 10(a), 10(b),
11, 12(a) to 12(c), 13(a) to 13(c), 14, 15(b) to 15(d).

CORAM: N. J. JAMADAR, J.

DATED : 6th JANUARY, 2020

PC:-

1. Leave to amend the application.
2. Amendment be carried out forthwith.
3. This application is taken out for seeking condonation of delay in setting aside the abatement and bringing the legal representatives of deceased plaintiff no.6(a), defendant no.2 and defendant no.11, on record, and carry out the necessary consequential amendments. The plaintiff no.6(a) Mr. Rameshchandra Kelvekar died on 18th November, 2017. He is

survived by legal representatives, who are already impleaded as plaintiff nos.6(b), 6(c) and 6(d). Defendant no.2 Smt. Sudha Prabhashankar Mhatre died on 26th May, 2018. She is survived by defendant no.3 and defendant no.4(a) to 4(c). Defendant no.11 Mr. Neelkanth J. Chowdhary died on 13th April, 2019. He is survived by the legal representatives, who are sought to be impleaded as defendant nos.11(a) and 11(b), as described in 'Schedule-A' to the application. The application is supported by the affidavit and copies of the death certificates.

4. For the reasons stated in the application, the delay in bringing the legal representatives of defendant no.11 Mr. Neelkant Chowdhary is condoned and the abatement as against defendant no.11 stands set aside.

5. The application stands allowed.

6. The plaintiffs are permitted to bring the legal representatives of defendant no.11 on record.

7. The plaintiffs shall carry out the amendment as per 'Schedule-A' to the application, within two weeks from today.

8. Writ of summons be issued to newly added defendant nos.11(a) and 11(b), returnable on 17th February, 2020.

9. Interim Application No.2 of 2019 stands disposed of.

[N. J. JAMADAR, J.]