

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

SUIT NO. 550 OF 1989

S.M. Goradia

.. Plaintiff

Vs.

Veena R. Shah

& Ors.

.. Defendants

**ALONG WITH
INTERIM APPLICATION NO. 1 OF 2019
IN
SUIT NO. 550 OF 1989**

Preeti Rajendra Chand

.. Applicant

In the matter between :

S.M. Goradia

.. Plaintiff

Vs.

Veena R. Shah

& Ors.

.. Defendants

**AND
CHAMBER SUMMONS NO. 424 OF 2019
IN
SUIT NO. 550 OF 1989**

Mr.Dharmesh Pandya i/b Ashwin Pandya & Associates for applicant in IA/1/2019.

Mr. Rupesh Mandhare for applicant in CHS/424/2019.

Ms.Nehal M. Shah i/b Maniar Srivastava Associates for defendant Nos.5, 5A and 5B.

Ms.Leena Mirasee i/b M/s. Shah and Sanghavi for defendant No.1(A) to 1(G).

CORAM : N.J. JAMADAR, J.

DATE : 11TH FEBRUARY 2020

P.C.

INTERIM APPLICATION NO. 1 OF 2019

1. Heard the learned counsels for the parties.

2. This interim application is taken out by the legal representative of the plaintiff for bringing herself on record, as the plaintiff died on 16th April 2019. The learned counsel for the applicant submits that all the defendants, except defendant Nos.4 and 7, have been served with the application.

3. None of the defendants have objected to the impleadment of the legal representative of the plaintiff.

4. For the reasons assigned in the application, and to advance the cause of substantive justice, the delay in taking out this application to seek setting aside of the abatement and bring the applicant on record deserves to be condoned. Hence, the following order :-

O R D E R

- (i) The interim application stands allowed.
- (ii) The delay in taking out this application is condoned.
- (iii) The abatement stands set aside.
- (iv) The applicant is permitted to bring herself on record as the legal representative of the deceased plaintiff.

The applicant shall carry out necessary amendment in the plaint in accordance with the

Schedule of Amendment appended to the application.

(v) The applicant shall serve the amended copy of the plaint on all the defendants, within a period of three weeks.

(vi) The interim application stands disposed of.

(vii) The matter be listed on 3rd March 2020.

[N.J. JAMADAR, J.]