

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 1161 OF 2018**

IN

SUIT NO. 2031 OF 2009

La-Kozy & Ors	...Plaintiffs
<i>Versus</i>	
Kamlaben V Patel & Ors	...Defendants
<i>And</i>	
Ashok Patel & Anr	...Applicants

AND

NOTICE OF MOTION NO. 951 OF 2016

IN

SUIT NO. 2031 OF 2009

AND

CHAMBER SUMMONS NO. 1432 OF 2018

IN

SUIT NO. 2031 OF 2009

Mr Mayur Khandeparkar, *with Vikramjit Garewal & Sriraj Menon,*
i/b MJ Juris, , for the Applicants in CHS/1161/2018.
Dr B Saraf, *with Roshan Sawant, i/b Yogesh Adhia, for the*
Plaintiffs/Applicant in NMS/951/2016.
Mr RA Shaikh, *for Defendant No. 4.*
Ms A Sayed, *i/b Bilawala & Co., for Defendant No. 10.*

CORAM: G.S. PATEL, J
DATED: 25th March 2019

PC:-

CHAMBER SUMMONS NO. 1432 OF 2018:

1. This chamber summons is filed by the original Plaintiffs Nos. 1 and 2 seeking the transposition of the original 3rd Plaintiff as a Defendant. There is a communication from 3rd Defendant at Exhibit "B" indicating her unwillingness to continue the litigation as a Plaintiff. Consequently she will be transposed as the 12th Defendant.
2. The Chamber Summons is made absolute in these terms.
3. Amendments to be carried out without need of reverification within a period of two weeks from today.
4. Since the 12th Defendant was originally a Plaintiff, there can be no question of her opposing the suit or being served with the Writ of Summons, or of her filing a written statement.

CHAMBER SUMMONS NO. 1161 OF 2018:

5. This seeks that the two Applicants, Ashok Patel and Vedika Patel, be impleaded as fellow Plaintiffs Nos. 4A and 4B in place of the original 4th Plaintiff who has passed away. Under the terms of the partnership deed, a partner was entitled to nominate two persons to succeed to his share in the partnership in the event of his

death. The deceased 4th Plaintiff, Chandrakant, nominated Ashok Patel and Vedika Patel.

6. The Chamber Summons is made absolute in terms of prayer clauses (a), (b) and (c). Amendment to be carried out within two weeks. Reverification dispensed with.

NOTICE OF MOTION NO. 951 OF 2016:

7. The Notice of Motion is by consent taken up for hearing and final disposal.

8. The Plaintiffs seek leave to introduce the opinion of a handwriting expert. The Notice of Motion sought leave to bring into evidence the opinion of one Ms Hiral Mehta. Dr Saraf on instructions states that instead the opinion of one Ms Anuja Kaushal is sought to be produced. Leave granted. It is additionally clarified that it is open to the Plaintiffs without having to file a fresh Motion to bring on record any further expert evidence at any time before the Plaintiffs close their case.

9. As regards inspection of documents, for the purposes of preparing the opinion Ms Kaushal as also any further or other experts will be entitled by prior appointment to inspect, take photographs and obtain digital scans of the relevant documents from the Court Registry. The Advocates on the opposite side will be given advance intimation of any such application.

10. The Notice of Motion is disposed of in these terms.

(G. S. PATEL, J)