

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER ORDER NO.566 OF 2019

IN

NOTICE OF MOTION (L) NO.232 OF 2019

IN

APPEAL NO.377 OF 2011

IN

CHAMBER SUMMONS NO.609 OF 2009

IN

SUIT NO.3005 OF 2008

Asmabegum Co-op. Housing Soc.Ltd. ...Applicant/Orig.Appellant

In the matter of

Asmabegum Co-op. Housing Soc.Ltd. ...Applicant/Orig.Appellant

vs.

1.Girdharlal Mehta to 3 ...Org.Plaintiffs

4.Atul Builders & Estates Ltd. & ors. ...Orig.Defendants

Ms.Jui Kanade with Shivani Samel with Nikita Jacob, for the Applicants.

Mr.Shashwat Rai i/b. Keystone Partners, for Respondent no.2.

Ms.Dhannya Prasad i/b. M/s.Mannadiar & Co., for Defendant no.3 in
Orig.Suit no.3005/2008, for Respondent no.6 in Chamber summons.

CORAM : G.S. KULKARNI, J.

DATE : 13 January 2020

RC.:

1. Heard learned Counsel for the applicant on the chamber order. The chamber order is for setting aside the order dated 25 April 2019 passed by the learned Prothonotary and Senior Master dismissing the above notice of motion for non removal of office objections and getting the same registered by 16 May 2019.

2. Learned Counsel for the applicants states that one of the office objection was in regard to the service on respondent no.7-Ms.Pereira.

However, it is stated that Ms.Pereira had expired before the notice of motion could be filed, and that the plaintiffs had not taken any steps to bring the legal heirs of Ms.Pereira on record. Hence, objection could not be complied on behalf of the applicants. All other respondents/defendants as also the plaintiffs were served.

3. In the above circumstances, chamber order would be required to be allowed. Order dated 25 April 2019 passed by the Prothonotary & Senior Master of this Court is set aside. The applicants are directed to removed all the office objections if any within a period of two weeks from today.

Disposed of in the above terms.

[G.S. KULKARNI, J.]