

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

**CHAMBER SUMMONS NO. 897 OF 2017**

**IN**

**SUIT NO. 3933 OF 1998**

Durgaprasad Ramniwas Poddar .. Applicant

***In the matter between :***

Durgaprasad Ramniwas Poddar .. Plaintiff

Vs.

1. Smt. Shantidevi Sohanlal Jhuria  
& ors. .. Defendants

Mr. Suhas S. Deokar a/w. Mr. Shashank C. Mangale for plaintiff/applicant in CHS/897/2017.

Ms. Harshal Manik and Mr. Praveer Shetty i/b Res Legal for defendant Nos.2(a) to 2(c).

Mr. Ajay Jhuria- defendant No.3 in S/3933/2019 present in-person.

**CORAM : N.J. JAMADAR, J.**

**DATE : 28<sup>th</sup> JANUARY 2020**

**P.C.**

**1.** This chamber summons is taken out by the plaintiff for amending the plaint.

**2.** The plaintiff has sought permission to amend the plaint so as to delete defendant No.1-Smt. Shantidevi Sohanlal Jhuria, who died on 13<sup>th</sup> May 2017, and bring her legal representatives on record. The plaintiff has also sought permission to delete defendant No.4-Dwarkadas Rameshwardas Jhuria from the array of the defendants.

**3.** In an affidavit-in-reply filed on behalf of the defendant No.3. the prayer of the plaintiff to bring the legal representatives of defendant

No.1 was contested on the ground that the defendant No.1 was impleaded in the capacity of a trustee and thus there was no propriety in bringing the legal representatives of defendant No.1 on record.

**4.** In the wake of the said objection, the plaintiff has filed an affidavit in rejoinder and is now simply seeking the deletion of defendant No.1-Smt. Shantidevi Sohanlal Jhuria from the array of the defendants. The plaintiff has annexed to the affidavit in rejoinder, the Schedule 'A' of the draft amendment, whereunder the plaintiff proposes to delete defendant No.1 Smt.Shantidevi Sohanlal Jhuria and defendant No.4-Dwarkadas Rameshwardas Jhuria from the cause title of the plaint.

**5.** It is made clear that the deletion of defendant No.4-Dwarkadas Rameshwardas Jhuria from the array of the defendants shall be at the risk of the plaintiff as to costs and consequences. Thus, the chamber summons stands allowed in terms of the modified prayer made in the affidavit in rejoinder.

**6.** The plaintiff is permitted to amend the plaint, as proposed in the Schedule 'A' appended to the affidavit-in-rejoinder. The plaintiff shall carry out the necessary amendment within a period of three weeks and serve a copy of the amended plaint on all the defendants.

**7.** The chamber summons stands disposed of.

**[ N.J. JAMADAR, J. ]**