

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

INTERIM APPLICATION NO.819 OF 2021

IN

COMMERCIAL SUIT NO.556 OF 2016

Utkarsh Dinesh Shah

.. Applicant-Prop. Plaintiff

In the matter between

Dinesh R. Shah

.. Plaintiff

Vs.

Shravan Kishanlal Bishnoi & Anr.

.. Defendants

ALONG WITH

NOTICE OF MOTION NO.2495 OF 2019

IN

COMMERCIAL SUIT NO.556 OF 2016

Dinesh R. Shah

.. Applicant-Plaintiff

Vs.

Shravan Kishanlal Bishnoi and Anr.

.. Defendants

Adv. Aiqan Memon for the Applicant-Plaintiff.

Mr. Vinod Sangvikar, with Ms. Vaishnavi Gholave and Mr. Yogesh Morbale,
for Defendant No.1.

CORAM : A. K. MENON, J.

DATED : 8TH APRIL, 2021.

(THROUGH VIDEO CONFERENCE)

P.C. :

1. The learned Advocate for the plaintiff seeks to withdraw the notice of motion since the plaintiff has expired.

2. The learned Advocate for the plaintiff further submits that the original plaintiff has expired on 29th August 2020. He submits that the IA has been filed to bring the son, who is the only legal heir of the deceased plaintiff, on record. He seeks condonation of delay, if any.

3. Mr. Sangvikar submits that he has no objection to the amendment being allowed, however he is yet to be provided with a copy of the IA. The learned counsel for the plaintiff undertakes to provide copy of the IA within one week from today.

4. In view of the above, I pass the following order :-

- (i) Notice of Motion No.2495 of 2019 is disposed as infructuous.
- (ii) Interim Application No.819 of 2021 is made absolute in terms of prayer clause (a).
- (iii) Amendment to be carried out on or before 30th April 2021. Re-verification is dispensed with.
- (iv) Liberty to apply.

(A.K. MENON, J.)