

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

**CHAMBER SUMMONS NO. 1196 OF 2019
IN
SUIT NO. 2571 OF 2009**

Inder Kishindas Ahuja .. Applicant/Plaintiff No.1

In the matter between :

Inder Kishindas Ahuja & Ors. .. Plaintiffs

Vs.

Gopaldas Kishandas Ahuja
& 4 Ors. Defendants

And

Kavita Gopaldas Ahuja
& 4 Ors. ... Proposed Defendants

**WITH
SUIT NO. 2404 OF 2009
WITH
NOTICE OF MOTION NO. 13 OF 2017
IN
SUIT NO. 2404 OF 2009**

Pitambar K. Ahuja .. Plaintiff

Vs.

Gopaldas Kishandas Ahuja
& 4 Ors. Defendants

Mr.Rajmani Varma a/w. Ms. Unnati Bane i/b Darshana Gangan for applicant/plaintiff in CHS/1196/2019 and for defendant Nos.2 and 3 in S/2404/2009.

Mr.Ganesh Ambekar i/b Thakore Jariwala and Associates for defendant in S/2571/2009 and for plaintiff in S/2404/2009.

Ms. Alisha Lambay i/b Lambay and Co. for proposed defendant Nos.1 to 4.

CORAM : N.J. JAMADAR, J.

DATE : 18th FEBRUARY 2021

PC.

CHAMBER SUMMONS NO. 1196 OF 2019

1. The chamber summons is taken out by the plaintiff to bring on record the legal representatives of deceased defendant Nos.1 and 5.
2. The learned counsel for the proposed defendant Nos.1(a) to 1(d) the legal representatives of deceased defendant No.1 submits that the proposed defendants have no objection to implead them as legal representatives of deceased defendant No.1.
3. The proposed defendant No.5(a) is already impleaded as a legal representative of the deceased defendant No.5 in Suit No.1165 of 2011.
4. In view of above, the chamber summons is made absolute in terms of prayer clauses (a) to (d).
5. The plaintiff shall carry out the necessary amendment within a period of three weeks and serve the copies of the amended plaint on the defendants.
6. The writ of summons be issued to defendant No.5(a), returnable on 18th March 2021.

The learned counsel for defendant Nos. 1(a) to 1(d) waives service of writ of summons.

7. The newly impleaded defendant Nos.1 (a) to 1(d) are at liberty to file written statement appropriate to their character as the legal representatives of defendant No.1.
8. The chamber summons stands disposed of.
9. The suit be listed on 18th March 2021.

[N.J. JAMADAR, J.]