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

INTERIM APPLICATION NO.493 OF 2022
IN
SUIT NO.766 OF 2018

Rohit K. Guliani & Ors.

...Applicants/
Plaintiffs

In the matter between
Promila Guliani

...Original
Plaintiffs

Versus

Delhi Darbar Restaurant Pvt. Ltd. & Ors.

...Defendants

Mr. D. V. Sawant with Mr. Priyank Kulkarni i/b. P.S. Chambers for
the Applicants / Plaintiffs.

Anita Castellino i/b. Bruno Castellino for Defendant No.3.

CORAM : R.I. CHAGLA J

DATE : 14TH OCTOBER, 2022

ORDER :

1. Heard learned Counsel for parties.
2. By the present Interim Application, the Applicant is seeking permission to amend the Plaint by deleting the name of the original Plaintiff (Since deceased) and bring the legal heirs of the

original Plaintiff in substitution of the original Plaintiff on record.

3. The Applicants are Class I legal heirs of the original Plaintiff who expired intestate on 15th February, 2021. Although the Applicants have been shown in the Schedule of amendment as Directors of Pee Aar Medicare Pvt. Ltd., the Interim Application for amendment is only being considered on the ground that they are legal heirs of the original Plaintiff. So far as the issue of their being Directors of Pee Aar Medicare Pvt. Ltd. is concerned, that issue will be considered after hearing the Defendant No.3 to the Interim Application who has opposed this contention in the Affidavit in Reply of Defendant No.3 dated 28th June, 2022 which has been taken on record.

4. Accordingly, the rights and contentions of the parties including the contention of Defendant No.3 on all issues pertaining to the amended Plaint which includes the issue with regard to the Applicants being the Directors of the Pee Aar Medicare Pvt. Ltd. are expressly kept open. Hence, the following order:-

(i) The relief sought for in the Interim Application is granted as

prayed.

(ii) The Applicants are permitted to amend the Plaint as per Schedule appended to the Interim Application.

(iii) Amendment shall be carried out by the Applicants within a period of three week from the date of this Order.

(iv) Simultaneously after carrying out amendment in the Plaint, the Plaintiff shall serve amended Plaint on the Defendants and shall file Affidavit of Service to that effect.

(v) Needless to state that the Applicant shall provide inspection of documents relied upon.

(iv) Interim Application is disposed of accordingly.

[R.I. CHAGLA J.]