

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

**INTERIM APPLICATION NO. 2293 OF 2021
IN
SUIT NO. 497 OF 2017**

Rusabh Shah ... Applicant/
Orig. Plaintiff No.3

In the matter of

Edna Maben & Ors. ... Plaintiffs

Versus

Avarsekar & Sons Private Limited & Ors. ... Defendants

Mr. Sharan Jagtiani, Senior Advocate a/w Ravi Gadgkar, Ms. Trupti Shetty, Samruddhi Sonar i/b Dhruve Liladhar & Co. for the Plaintiffs.
Mr. Madhur Rai a/w Mr. Sachin Kanse for Defendant Nos.1 and 2.
Mr. Sonu Tandon for Defendant Nos.15 to 22, 24, 25 and 27.

CORAM : R.I. CHAGLA, J.

DATED : 23rd MARCH, 2022.

ORDER :

1 The matter is mentioned. Not on board, taken on board.

2 By this Interim Application the Applicant has sought permission to delete the name of Defendant No.20 as Defendant No.20 has expired and to bring the legal heirs of Defendant No.20 on record in his place and stead, being proposed Respondent Nos.20A to 20C.

3 Having considered the averments in the Interim Application and noting the fact that it is a formal amendment being sought of bringing legal heirs of deceased Defendant No.20 on record which is apparent from the schedule appended to the Interim Application at Exhibit 'B', a case is made out for grant of the relief sought for in the Interim Application.

4 Hence, the following order :

- i) The Applicant is permitted to amend the plaint in the above Suit as well as Interim Application in accordance with the schedule annexed at Exhibit 'B' to this Interim Application and carry out consequential amendments therein.
- ii) The Applicant/Original Plaintiff shall carry out the amendment within a period of one week from today i.e. on or before 30.03.2022.
- iii) Re-verification is dispensed with.
- iv) Interim Application is disposed of in the above terms.

(R.I. CHAGLA, J.)

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signed by
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SUSHIL
WAGHMARE
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