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

INTERIM APPLICATION NO.2976 OF 2021
IN
COMS. SUIT NO.104 OF 2021

Malvika Herbopharma Pvt. Ltd.

...Applicant/
Plaintiff

Versus

Pradeep Sanatkumar Dixit & Ors.

...Defendants

And

Ishan Pradip Dixit

...Proposed
Defendant

Mr. Bhavin Gada and Mr. Amin with Agnel Carnerio and Vaibhav Shah i/b. Mulla & Mulla & Creigie Blung & Caroe for the Applicant in Suit No.1402 of 2018 and for Defendant No.4 in Suit No.COMS No.104 of 2021.

Mr. Rajesh Singh with Mr. Nadim Malik, Rahul Singh and Mr. Sayed i/b. Rajesh Singh & Associates for Defendant No.2.

Mr. Mutahhar Khan i/b. Mohamed Rehan Chhapra for Plaintiff in COMS Suit No.1402 of 2018.

Ms. Sonal Sanap i/b. Apex Law Partners for Defendant Nos.2 and 3 in ComS No. 104 of 21.

Mrs. Rekha Rane, 2nd Asstt. to C.R. present in COMS NO.1402 of 2018.

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CORAM : R.I. CHAGLA J

DATE : 1ST MARCH, 2022

ORDER :

1. Heard learned Counsel for the Applicant / Plaintiff.
2. By this Interim Application, the Applicant seeks permission to amend the cause title of the Plaint and carry out necessary consequential amendment in the body of the Plaint as per Scheduled annexed to the Interim Application.
3. It is the contention of the Applicants that the Advocate for Defendant had issued letter dated 13th November, 2021 informing the Advocates for the Applicants that the Defendant No.1 has passed away on 20th October, 2021. It is stated by the Applicant that Respondent Nos.2, 3 and 5 to the Interim Application are the only legal heirs of original Defendant No.1. Accordingly, the Interim Application has been taken out for joining Respondent No.5 as Defendant No.1A to the above Suit as well as making necessary averments to the effect that Respondent Nos.2 and 3 who are already joined as Defendants in the cause title of the above Suit are also the legal heirs of the original Defendant No.1.
4. Considering the submissions of the learned Counsel

for the Applicant / Plaintiff as well as perusing the averments in the Interim Application, a case is made out for grant of relief in the Interim Application. Hence the following order:-

(i) The Applicant / Plaintiff shall carry out amendment in the cause title of the Plaint and carry out necessary consequential amendments in the body of the Plaint as per the Scheduled annexed to the Interim Application.

(ii) Amendment shall be carried out within one week from today, i.e. on or before 8th March, 2022. Re-verification is dispensed with.

(iii) Interim Application is disposed of in the above terms.

[R.I. CHAGLA J.]