

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.3080 OF 2021**

**IN
SUIT NO.2429 OF 1997**

Naina Deepak Kamani ... Applicant/Plaintiff
versus
Janson Engineering & Trading
Pvt. Ltd. And Ors. ... Defendants
and
Atul Vijay Madan ... Respondent

**WITH
INTERIM APPLICATION NO.401 OF 2022
IN
SUIT NO.2429 OF 1997**

Naina Deepak Kamani ... Applicant/Plaintiff
versus
Janson Engineering & Trading
Pvt. Ltd. And Ors. ... Defendants
and
Kusum Jain and Ors. ... Respondents

Mr. Nimay Dave with Mr. Jehangir Jejeebhoy, Ms. Umangi Shah i/by Bachubhai Munim and Co., for Plaintiff.

Mr. A.R.Pai with Mr. Athurva Sane i/by Siddhant V. Joshi for Third Party Respondent in IA 3080 of 2021.

Mr. Himanshu B. Takke, AGP

Mr. Gauraj Shah i/by Kanga and Co., for Defendant No.6.

Mr S.K.Dhekale, Court Receiver, present.

CORAM : N.J.JAMADAR, J.

DATE : 16 JANUARY 2023

P.C.

IA No.401 of 2022

1. Heard the learned Counsel for the parties.
2. This Application is taken out to bring legal representatives of Defendant Nos.6 and 7 on record, who passed away on 13 November 2021 and 11 November 2021, respectively. The Application is supported by copies of the death certificates. The legal representatives are sought to be brought on record on the basis of the information furnished to the Plaintiff by the Advocate for Defendant No.6 and one of the legal representatives of Defendant No.7, respectively. The Application is taken out within the statutory period of limitation.
3. Hence, the Application stands allowed in terms of prayer clauses (a) and (b).
4. The Applicant shall carry out amendment in the Suit and all the connected proceedings in accordance with the Schedule A appended to the Application within a period of one week from today.
5. Application stands disposed.

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6. The learned Counsel for the Applicant seeks leave to tender Affidavit in Rejoinder.
7. Leave granted.
8. Affidavit in Rejoinder is taken on record.
9. The learned Counsel for the Third Party-Respondent submits that in

view of the subsequent development, the Third Party-Respondent desires to file Affidavit in Sur-Rejoinder bringing certain developments on record.

10. Let such an Affidavit in Sur-Rejoinder be filed within a period of two weeks.

11. The newly added Defendants are at liberty to file Affidavit in Reply within a period of four weeks of being served with the copy of amended Plaint and Interim Application.

12. List on 21 February 2023 along with Court Receiver's Report No.114 of 2022.

13. The Defendants including the newly added Defendants and the third party-Respondent are at liberty to file Affidavit in Reply to the Court Receiver's Report as well.

(N.J.JAMADAR, J.)