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

**INTERIM APPLICATION NO. 275 OF 2022
IN
SUIT NO. 880 OF 2015**

Ranjani Sunderrao Mallapur ... Applicant/Plaintiff

Versus

Jaipal Namdeo Mallapur & Ors. ... Defendants

Mr. I. A. Saiyed for the Plaintiffs.

Ms. Chaitali Jadhav i/by Mehul Shah for Defendant Nos.1 & 2.

CORAM : R.I. CHAGLA J.

DATE : 07TH FEBRUARY, 2023.

ORDER :

1. By this Interim Application, the Applicant/Plaintiff has sought permission to bring the heirs and legal representatives of the deceased Defendant No.1 as party Defendants in the cause title of the Suit and for the Suit to be allowed to be amended in terms of the schedule annexed to the Interim Application.

2. The original Defendant No.1 expired on 15th November, 2019 leaving behind the Respondents/proposed Defendants. The Application has been made within the period of limitation. The right to sue survives against the proposed Defendants upon the death of

the original Defendant No.1.

3. The learned counsel appearing for the Defendant Nos.1 and 2 has no objection to allowing the relief sought for in the Interim Application.

4. In view thereof, the following order is passed:

- i. The Applicant/Plaintiff is permitted to bring the heirs and legal representatives of the deceased original Defendant No.1 on record as Defendants in the above Suit by amending the Suit in terms of the schedule annexed to the Interim Application.

[R.I. CHAGLA J.]