

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

**INTERIM APPLICATION NO. 353 OF 2020
IN
SUIT NO. 17 OF 2017**

Samir Hemant Chheda ..Applicant

In the matter between

Hemant Vasanji Chheda ..Plaintiff
VS.

Daisy Mikhael Simpson
and 10 Ors. ..Defendants

**WITH
NOTICE OF MOTION (SUITS) NO. 2103 OF 2019
IN
SUIT NO. 17 OF 2017**

Hemant Vasanji Chheda ..Plaintiff
VS.

Daisy Mikhael Simpson
and 10 Ors. ..Defendants

Adv. Parikshit Pania i/b Clove Legal for the Applicant in
Interim Application.

CORAM : R.I. CHAGLA, J

DATED : 13 MARCH 2023

P.C. :

1. By this Interim Application, the applicant/plaintiff has sought amendment of the suit in order to bring the applicant/proposed plaintiff on record as legal heir and representative of the plaintiff. The plaintiff expired on

20/10/2019 during the pendency of the suit in Mumbai. A copy of the death certificate is at Exhibit 'A' of the Interim Application.

2. Learned counsel appearing for the applicant/proposed plaintiff has tendered an additional affidavit of the applicant dated 22/04/2022. In the said affidavit the other legal heirs of the original plaintiff have been mentioned. In paragraph 2 of the said affidavit, the other legal heirs of the original plaintiff who have expired are mentioned along with the dates of their demise and the death certificates have been attached. Accordingly, in the said affidavit, it is stated that the applicant is the only surviving legal heir of the original plaintiff.

3. Having considered the averments in the Interim Application as well as taking note of the averments in the additional affidavit of the applicant dated 22/04/2022 and noting that the applicant is the only surviving legal heir of the original plaintiff who seeks substitution of the original plaintiff with the applicant within a period of 90 days from the demise of the original plaintiff, a case is made out for the grant of the relief sought for in the Interim Application.

Hence, the following order.

ORDER

(a) The applicant/proposed plaintiff is permitted to amend the cause title of the plaint and add the applicant in the place of the deceased plaintiff as plaintiff no. 1(a) as per schedule annexed at Exhibit B of the Interim Application.

(b) The amendment shall be carried out within a period of one week from the date of this order.

(c) Interim Application is disposed of.

[R.I. CHAGLA J.]