

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.1976 OF 2022
IN
SUIT NO.449 OF 1989**

Janki Ramchand Ajoomal and Ors.	...	Applicants
and		
Ramchand Naraindas	...	Plaintiff
versus		
Anil Jolly and Ors.	...	Defendants

Ms. Eventa A. Gonsalves with Mr. Reyden L. Gonsalves, Mr. Zhoaib Z. Sayyed, for Plaintiffs.

Mr. U.L.Shah for Defendant Nos.1, 5 and 7.

Ms. Deepali Bagla i/by Bagla and Associates, for Defendant Nos.3, 4 and 6.

CORAM: N.J.JAMADAR, J.

DATE: 3 JANUARY 2023

P.C.:

1. Heard the learned Counsel for the parties.
2. This Application is filed to bring the Applicants on record as the legal representative of the Plaintiff – Ramchand Naraindas, who expired on 13 February 2022.
3. An Affidavit in Reply is filed on behalf of Defendant Nos.1, 5 and 7 contending, inter alia, that the right to sue does not survive.
4. Prima facie, it does not appear that the right to sue came to an end with the death of the Plaintiff. The trial in the suit is complete. Thus, question as to whether the right to sue survives or not can be legitimately considered at the time of

the final adjudication of the Suit.

5. The Application is supported by a copy of the death certificate of the Plaintiff. It is filed within the stipulated period of limitation.

5. The Application, thus, stands allowed in terms of prayer clauses (a) and (b).

6. Necessary amendment be carried out in accordance with the Schedule appended to the Application within a period of two weeks.

7. List the Suit for Directions as to final hearing on 2nd February, 2023.

(N.J.JAMADAR, J.)