

K.S. Jadhav

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

**INTERIM APPLICATION NO.3547 OF 2022
IN
COMMERCIAL SUIT NO.30 OF 2018**

Swati Sanjay Gondhalekar

**...Applicant / Original
Plaintiff No.30**

In the matter between

Vrushali Patil & Ors.,

...Plaintiffs

Versus

MD Devcon Private Limited & Ors.,

...Defendants

Mr. Rohan Savant a/w Ms. Ankita Karmokar i/b LR & Associates,
Advocate for Applicant/Plaintiff No.30.

Ms. Apurva Kulkarni i/b M.P. Vashi & Associates, Advocate for
Defendant No.7 to 9.

CORAM : R.I. CHAGLA J.

DATE : 9TH MARCH, 2023.

ORDER :

1. By this Interim Application, the Applicant/Plaintiff has sought permission to amend the cause title of the Suit by substituting Original Defendant No.8 who has expired, with his legal heirs as Defendant Nos. 8(a) to 8(c). Further, consequential amendments have also been sought.

2. The Applicant has stated that the Original Defendant No.8 has expired on 20th August, 2019. The Advocate appearing for the Defendant No.8 in the above Suit had by order dated 18th June, 2022 informed the Applicant/Plaintiff about the death of Original Defendant No.8.

3. The copy of the Letter dated 18th June, 2022 is annexed at Exhibit-A to the Interim Application.

4. In view of the addresses of the three legal heirs of Defendant No.8 not being known, the Advocate for Plaintiff had addressed the letter to the Advocate for Defendant No.8 seeking particulars of the addresses. By subsequent letter dated 29th June, 2022, the Advocate for Original Defendant No.8 provided the necessary particulars of addresses of the three legal heirs of Original Defendant No.8. Accordingly, present Interim Application has been filed for the aforementioned relief.

5. The learned Advocate appearing for the Defendants has no objection to the relief sought for being granted.

6. In view thereof and considering that the Interim Application is being filed within 90 days from the knowledge of the death of

Original Defendant No.8 being informed, the relief sought for is granted. Hence, the following order is passed :

(i) The Applicant/Plaintiff is permitted to amend the cause title of the Suit by substituting the Original Defendant No.8 with the legal heirs as Defendant No.8(a), (8b) and 8(c) as per the Schedule annexed to the Interim Application. The consequential amendments are also permitted.

(ii) The amendment shall be carried out by Applicant/Plaintiff within a period of two weeks from the date of this order.

(ii) The Interim Application is accordingly disposed of.

[R.I. CHAGLA J.]