

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

INTERIM APPLICATION NO.5230 OF 2022

IN

SUIT NO.2922 OF 2010

Jayashree Nagindas Goradia-Chalmela and Others ...Applicants

In the matter of

M/s.Aum Shyam Constructions and Others ...Plaintiff

vs.

Nagindas M. Goradia and Others ...Respondents

Mr. Ravindra Sankpal i/b. R.V. Sankpal & Associates, for the Applicants.

None for the Respondents.

Mr. E.B. Sivakumar, 1st Asstt to C.R. present

CORAM : N. J. JAMADAR, J.

DATE : FEBRUARY 16, 2023

P.C.:

1. Heard the learned counsel for the applicants.
2. The learned counsel for the applicants submits that in the order dated 19th January, 2023 in paragraph No. 2 the words "Defendant No. 2" be substituted by "**Defendant No. 3**".
3. Rest of the order remains unaltered.
4. Original corrected order be uploaded.
5. By an order dated 19th January, 2023 notice was issued to plaintiff and defendant No. 3.
6. An affidavit of service has been filed on behalf of the applicants to vouch for the service of the application on the plaintiff and defendant No. 3.

7. The applicants are the legal representatives of defendant Nos. 1 and 2 who passed away on 7th June, 2019 and 4th September, 2020 respectively.
8. The plaintiff has not moved to bring the legal representatives of defendant Nos. 1 and 2 on record.
9. The applicants claim that since they have an interest in the subject matter of the suit, the instant application is filed to bring them on record as the legal representatives of the defendant Nos. 1 and 2.
10. Hence, the application stands allowed in terms of prayer clause (a).
11. The abatement stands set aside.
12. The plaintiff shall bring the applicants as the legal representatives of defendant Nos. 1 and 2 by carrying out necessary amendment within a period of three weeks.
13. Amended copy of the plaint be served on defendant No. 3 and the newly impleaded defendants.
14. The applicants are at liberty to serve a copy of this order on the plaintiff.
15. Application disposed.

(N. J. JAMADAR, J.)