

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

**INTERIM APPLICATION NO. 1829 OF 2024
IN
TESTAMENTARY SUITS NO. 37 OF 1987**

Swati Rajnikant Doshi & Ors. ...Applicants
IN THE MATTER BETWEEN
Rajnikant Chunilal Doshi ...Plaintiff/Petitioner
Versus
Usha Kiran Makasare and Ors. ...Defendants/Respondents

Mr.Mehul Shah for Applicants.
None for Respondent.

CORAM : N. J. JAMADAR, J.
DATE : 30th JULY 2024

PC.:

1. Heard the learned Counsel for the Applicants/Plaintiff.
2. This application is taken out by the legal representatives of the plaintiff to permit the applicants to substitute themselves as a plaintiffs, as the plaintiff passed away on 2nd April 2024. The application is supported by a copy of the death certificate and affidavit. The application is filed within the stipulated period.
3. The learned Counsel for the Applicants submitted that the defendant No.1 was the only contesting defendant and she has also passed away. After her demise, the legal representatives of defendant No.1 have also been brought on record. A copy of the

application has been served on the legal representatives of the defendant No.1. An affidavit of service is filed.

4. Applicant Nos.1, 2 and 3 are the wife, son and daughter, respectively, of the deceased plaintiff. The application is preferred within the stipulated period. Hence, I am inclined to allow the application.

ORDER

(i) The application stands allowed in terms of prayer clause

(a) which reads as under:-

“(a) That this Hon’ble Court be pleased to permit the Applicants to delete the name of deceased Rajnikant C. Doshi, the Original Petitioner/Plaintiff from the cause title of the proceedings and substitute the same by the name of Applicants in place and stead of deceased Rajnikant C. Doshi, the Original Petitioner/Plaintiff and amend the Petition in terms of the Schedule annexed as Exhibit”B” to this Interim Application;”

(ii) Necessary amendment be carried out within a period of three weeks.

(iii) Amended copy of the petition be served on the defendants within a period of three weeks thereafter.

(iv) Application stands disposed of.

(v) Testamentary Suits No.37 of 1987 be listed on 10th September 2024 “for directions”.

(N. J. JAMADAR, J.)