

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4198 OF 2026

Virendra C Doshi and Anr ..Petitioners

Versus

Jayesh Chunilal Doshi and Ors ...Respondents

Adv Prachi Khandge, with Sejal Singh and P Patel, i/b Bhutekar and Associates, for the Petitioners.

Mr. Satyavan N Vaishnav, with Nupur J Mukherjee, i/b M/s N.N. Vaishnawa and Co, for Respondent No.1.

CORAM: N. J. JAMADAR, J.

DATE : 9th APRIL 2026

ORAL ORDER:

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 2nd February 2026, whereby the learned Judge, City Civil Court was persuaded to allow the Chamber Summons No. 2123 of 2025 in S.C. Suit No. 2871 of 2014, at the conclusion of the trial, nay, after the parties had advanced oral arguments and tendered written submissions as well.
3. By the proposed amendment, the Respondent-Plaintiff professed to bring on record the fact that the proposed Defendant 1(o), Ashit Jamnadas Udani, is the sole legal heir of Mrs. Madhukanta Jamnadas

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udani, who is one of the legal heirs of the deceased Defendant No.1, Kalavanti Chunilal Doshi and late Mr. Chunilal Doshi.

4. By the impugned order, the learned Judge, City Civil Court was persuaded to allow the Chamber Summons, and also directed the Plaintiff to add Defendant Nos. 1(a) to 1(n) as original Defendant Nos. 3 to 16 and proposed Defendant No. 1(o) as mentioned in the schedule as Defendant No. 17 to the suit.

5. To the extent the proposed Defendant No. 1(o) was sought to be impleaded as party-Defendant being the legal representative of one of the sisters of the Plaintiff and daughter of the deceased Defendant No.1, the order permitting the amendment could be sustained on the premise that it would be necessary to implead all the persons who may be entitled to a share in the subject property, in the event the Plaintiff succeeds in the suit, and the prayer in prayer clause (a) of the suit is granted.

6. However, at the fag end of the trial, the learned Judge, City Civil Court could not have permitted the Plaintiff to carry out rest of the amendments in terms of the Schedule, and further direct that the parties, who were already impleaded as Defendant Nos. 1(a) to 1(o) as the legal representatives of the deceased Defendant No.1, be impleaded as party-Defendants in their individual right. It is settled law that, if the

legal representatives are brought on record, they are entitled to take the defences appropriate to their character as legal representatives.

7. Since the trial is on the verge of conclusion and arguments are also advanced, with the consent of the parties, the impugned order stands quashed and set aside, and the Chamber Summons is allowed only to the extent of the paragraph 1 and the underlined portion in paragraph 2 which reads as under:

“2.

The Defendant No.1(o) is a sole legal heir of the deceased Mrs. Madhukanta Jamnadas Udani, who is one of the legal heir of the Deceased Mr. Chunilal Doshi and original Defendant No. 1.

... ..”

8. The Plaintiff shall carry out the necessary amendment in terms of the aforesaid order within a period of one week.

9. Petition disposed.

[N. J. JAMADAR, J.]