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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.8238 OF 2025
IN
COMMERCIAL SUIT NO. 27 OF 2022**

Ketan Vallabji Veera and 6 Others ... Applicants/Plaintiffs

Vs.

Municipal Corporation of Greater ... Defendants

Mumbai and 16 others

Mr. Nigel Quraishy a/w. Mr. Dushyant Krishnan i/b. Mr. Garfield Clarence Mendonca for the Plaintiff.

Mr. Kaustubh Thipsay for Defendant Nos. 8, 10, 11 and 14.

Mr. Kartikeya Awasthi i/b. Purnanand & Co. for Defendant No. 9.

Ms. Pooja Yadav for Defendant No. 1 – BMC.

CORAM : GAURI GODSE, J.

DATE : 9th MARCH 2026

ORDER :

1. This application is filed by the plaintiffs seeking leave to delete defendant nos. 6 and 12 and to bring on record proposed respondent nos. 12A and 12B as legal representatives of deceased defendant no. 12.

2. Learned counsel appearing for the proposed defendant nos. 12A and 12B submits that defendant nos. 10,11 and 12 are heirs and legal representatives of deceased defendant

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no. 6. Hence, proposed defendant nos. 12A and 12B be also brought on record as heirs of defendant no. 6. He further submits that defendant nos. 12A and 12B be permitted to adopt written statement of defendant no. 6 and they be further permitted to file their additional written statement.

3. Since deceased defendant no. 12 was a heir of defendant no.6 and she predeceased defendant no. 6, defendant nos.12A and 12B can be brought on record as heirs of defendant no. 12 and also as heirs of defendant no. 6. Learned counsel for the plaintiff has no objection for the leave prayed by proposed defendant nos. 12A and 12B.

4. Learned counsel for the plaintiff submits that there is a delay in filing the application. However, the delay has occurred as the plaintiff was unaware about the death of the aforesaid parties.

5. I have perused the application. For the reasons stated in the application, it is allowed by passing the following order :

- (i) Delay in filing this application is condoned.
- (ii) Abatement, if any, is set aside.
- (iii) Plaintiff is permitted to show defendant no. 6 as

deceased represented through defendant nos.10,11, 12A and 12B.

(iv) Plaintiff is permitted to show defendant no. 12 as deceased represented through defendant nos. 12A and 12B.

(v) Amendment to be carried out within two weeks.

(vi) Reverification is dispensed with.

(vii) Plaintiff shall file on record amended plaint in terms of all the amendments granted, in the suit.

(viii) Amended copy of the plaint shall be served on all the Advocates who appear in the suit.

(ix) Learned counsel for defendant nos. 12A and 12B waives service of writ of summons.

(x) Defendant nos. 10,11, 12A and 12B are permitted to adopt written statement of defendant no. 6 as heirs and legal representatives.

(xi) Interim Application is allowed in the aforesaid terms.

[GAURI GODSE, J.]