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

TESTAMENTARY SUIT NO. 29 OF 1996

P. J. Jhaveri .. Plaintiff

V/s.

S. S. Jhaveri & Ors. .. Defendants

WITH
CHAMBER SUMMONS (TESTAMENTARY) NO. 35 OF 2019
IN
TESTAMENTARY SUIT NO. 29 OF 1996
WITH
SUIT NO. 2004 OF 1995
WITH
CHAMBER SUMMONS NO. 265 OF 2019
IN
SUIT NO. 2004 OF 1995
WITH
INTERIM APPLICATION NO. 1563 OF 2026
IN
SUIT NO. 2004 OF 1995

Mr. Raj Nagre i/b. Ms. Jacinta D'Silva for Plaintiffs in TS/29/1996 and for Defendant nos. 5 to 7 in S/2004/1995.

Mr. B. N. Jadhav i/b. Ms. Hemangi Modi for Plaintiff in S/2004/1995 and for Defendant no. 1.

Mr. Nilesh Modi i/b. Rustamji & Ginwala for Defendant nos. 3A, 3B, 4 & 9 in S/2004/1995 and for Defendant nos. 3, 5 & 6 in TS/29/1996.

CORAM : FARHAN P. DUBASH, J.

DATE : 18th APRIL 2026

P. C.:

INTERIM APPLICATION NO. 1563 OF 2026

1. The present Interim Application has been preferred by the Applicant who is the original Plaintiff. By this Interim Application, the

Applicant seeks to amend the plaint by deleting Defendant no. 8 from the array of parties. Defendant no. 8 is stated to have died as a bachelor and his heir i.e. his mother is already impleaded as Defendant no. 7 to the present Suit and therefore, no other person/party is required to be impleaded as his heir and legal representative. The Application also seeks to transpose Defendant no. 9 – brother of the Plaintiff as Plaintiff no. 2. Mr. Nilesh Modi, learned Counsel who appears on behalf of Defendant no. 9 and has no objection to his client being transposed as Plaintiff no. 2.

2. I have gone through the averments made in the Application and, have also perused the copy of the letter dated 17th February 2026 addressed by the Advocates for Defendant nos. 5 to 7 to the Plaintiff's Advocates. Considering this, I am of the view that there is no delay in preferring the Interim Application and as a result, I am satisfied with the averments made in the present Interim Application.

3. Accordingly, the following order is passed :

:: ORDER ::

(i) Delay in filing the present Interim Application is condoned and abetment if any, against Defendant no. 8 is also set aside.

(ii) The Applicant shall be permitted to amend the plaint in terms of the proposed amendment set out in

the Schedule of Amendment annexed as **Exhibit –‘C’** to the present Interim Application. This amendment shall be carried out, on or before 30th April 2026. Reverification is dispensed with.

(iii) The present Interim Application no. 1563 of 2026 is disposed of in terms of the above order.

4. Place the matter on **8th June 2026**.

(FARHAN P. DUBASH, J.)

Ajay Jadhav