

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 189 OF 2008

Gold Coin Builders	...Plaintiff
<i>Versus</i>	
DH Dave & Ors	...Defendants

Mr Zacarias Joseph, i/b Khaitan & Co., for the Plaintiff.
Mr Shilpan Gaonkar, with Bhagwati Trivedi & Sana Khan, i/b
Bhagwati & Co., for the Defendants.

CORAM: G.S. PATEL, J
DATED: 22nd January 2019

PC:-

1. The Defendants, who filed a counter-claim, seem to be under some misconception of who are the heirs and legal representatives of a deceased despite the provisions of the Code of Civil Procedure 1908. They believe that it is only those named in the Will who need to be joined. That is incorrect. I will now require the Defendants to act in the following manner and in no other.

2. All amendments to the counter-claim made so far adding parties are to be deleted. By 25th January 2019 at 5.00 pm the Advocates for Defendants Nos. 1 to 4 will intimate the Plaintiff of the names of heirs and legal representatives of Defendant No. 4 in accordance with law, i.e. all survivors and next-of-kin with no

reference to whatsoever in the testamentary disposition. Such of these persons who are not already Defendants to the suit are to be added as heirs and legal representatives of Defendant No. 4 as Defendants Nos. 4(a), 4(b) etc.

3. Similarly, the counter-claim will be amended accordingly.
4. All amendments to be carried out within two weeks from today without need of reverification.

(G. S. PATEL, J)