

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>	
Dr DH Dave & Ors	...Defendants

Mr Pranav Sampat, *with Haabil Vahanvaty, i/b Khaitan & Co., for the Plaintiff.*
Mr Shilpan Gaonkar, *with Sana Khan, i/b Bhagwati & Co., for Defendants Nos. 1 to 4.*

CORAM: G.S. PATEL, J
DATED: 11th December 2018

PC:-

1. Defendant No. 4 died unmarried. The Advocates for the Defendants will communicate to the Advocates for the Plaintiffs the names and other particulars of the heirs or legal representatives of deceased Defendant No. 4 on or before 21st December 2018 along with the basis on which that statement of heirship is made.
2. To save time, I will dispense with the Chamber Summons for impleading the legal heirs of Defendant No. 4, both in the suit and in the so-called counter-claim.
3. I note that a grievance is made about the filing of a counter-

claim only along with an Additional Written Statement. Presently I will leave all contentions open including as to whether a counter-claim can be filed in this fashion or not. Irrespective of that decision, there is no doubt that the Plaintiffs to the counter-claim must pay the court fee and must get that counter-claim separately numbered.

4. The Registry will take up the Counter-Claim for adjudication as to the court fee immediately. A copy of this order will be placed before the Prothonotary and Senior Master for his immediate directions.

5. List the suit for directions on 22nd January 2019.

(G. S. PATEL, J.)