

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 385 OF 2017

WITH

CIVIL APPLICATION NO. 501 OF 2017

WITH

FIRST APPEAL (ST) NO.9419 OF 2017

WITH

CIVIL APPLICATION NO. 1821 OF 2017

WITH

CIVIL APPLICATION NO. 1823 OF 2017

WITH

CIVIL APPLICATION NO. 1822 OF 2017

WITH

APPEAL FROM ORDER NO. 386 OF 2017

WITH

CIVIL APPLICATION NO. 502 OF 2017

Sushil Babubhai Parekh & Anr

...Appellants

Versus

Immacus Patrick Dias & Ors

...Respondents

WITH

FIRST APPEAL (ST) NO.9259 OF 2017

WITH

CIVIL APPLICATION NO. 1825 OF 2017

WITH
CIVIL APPLICATION NO. 1826 OF 2017
WITH
CIVIL APPLICATION NO. 1828 OF 2017

Bipin Babubhai Parekh ...Appellant
Versus
Wallace Patrick Dias & Anr ...Respondents

Mr Pravin Samdani, Senior Advocate, i/b Shashank Radia, for the Appellants in FAST 9259/2017 with AO386/2017.
Mr Viral Shukla, with Priti Patel, Rupali Padgulekar, i/b M/s Shukla & Associates, for the Appellants in FAST No.9419/2017 with AO No.385/2017.
Mr Clifford Martis, for the Respondents in all Appeal from Orders.

CORAM: G.S. PATEL, J
DATED: 4th July 2017

PC:-

1. By consent, the following order will dispose of Appeal from Order No.386 of 2017, First Appeal No.9259 of 2017 and First Appeal No.9419 of 2017.
2. The order dated 15th October 2016 in Notice of Motion No.2104 of 2016 rejecting the Defendants' Motion under order IX Rule 13 of the Code of Civil Procedure, 1908 is set aside. The original order and decree dated 24th September 2014 in Suit No.10194 of 1987 is also set aside. SC Suit No.10194 of 1987 is restored to file. Sushil Babubhai Parekh and Hema Babubhai Parekh will be impleaded as Defendants Nos.1(b) and 1(c) being the heirs of

the original sole Defendant Babubhai Parekh. A formal Chamber Summons to effect this amendment is dispensed with. The abatement if any is set aside. The amendment will be carried out without need of reverification on or before 14th July 2017.

3. The Registrar in the City Civil Court will permit the amendment to be effected on production of an authenticated copy of this order.

4. The Defendants including the newly added Defendants will file their written statements on or before 1st August 2017.

5. The parties will appear before the Trial Court on 4th August 2017 for setting a date for framing issues, filing evidence, for discovery and inspection and for fixing schedule for the completion of the trial and final argument and rendering judgment.

6. The Trial Court is requested to endeavour to dispose of these matters by 24th November 2017. Liberty to the Trial Judge to seek an extension if absolutely necessary.

7. All Appeal from Orders, First Appeals and Civil Applications are disposed of in these terms.

(G. S. PATEL, J.)