

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1110 OF 2016
IN
APPEAL FROM ORDER NO.235 OF 2014**

Mr.Jitendra S/o. Balraj Kathurai ..Applicant/Appellant
V/s.
Mr.Balraj Son of Jethanand Kathurai ..Respondent

**WITH
CIVIL APPLICATION NO.274 OF 2014
IN
APPEAL FROM ORDER NO.235 OF 2014**

Mr.Balraj Son of Jethanand Kathurai ..Applicant/Appellant
V/s.
Mr.Manoj S/o Balraj Kathuria & Anr. ..Respondents

**WITH
CIVIL APPLICATION NO.881 OF 2016
IN
APPEAL FROM ORDER NO.235 OF 2014**

Mrs.Indra W/o.Balraj Khathuria ..Applicant/Appellant
V/s.
Mr.Balraj Son of Jethanand Kathurai ..Respondent

**WITH
CIVIL APPLICATION NO.882 OF 2016
IN
APPEAL FROM ORDER NO.235 OF 2014
WITH
CIVIL APPLICATION NO.1244 OF 2015
IN
APPEAL FROM ORDER NO.235 OF 2014**

Mr.Balraj Son of Jethanand Kathurai ..Applicant/Appellant
V/s.

Mr.Manoj S/o Balraj Khathuria & Anr. ..Respondents

Ms.Ankita Singhania i/by Mr.Ashok Dhanuka for the
applicant/appellant.

Ms.T.F. Irani for Respondent No.2

Ms.Namrata Jani i/by Dashir Kalambi & Associates for
Respondent No.4.

CORAM : M. S. SONAK, J.

DATE : 09 JANUARY 2017.

P.C.

1. Not on board. Upon production, taken on board.
2. Heard the learned counsel for the parties.
3. Ms.Irani submits that the action in the present matters was strictly personal and therefore, there can be no question of bringing any legal heirs on record. She submits that there are connected matters and if, the legal representatives are permitted to come on record in these proceedings the same may have some effect upon connected the matter as well.
4. The original appellant has expired and this is an

application to bring on record his elder son and wife. The application can always be allowed keeping open all the objections and contentions with regard to their coming on record. The mere circumstances that such persons are permitted to come on record does not mean that any rights in their favour have been confirmed and recognized. Its clear that the all such issues are kept open. Subject to the aforesaid, the Civil Applications are allowed.

5. Necessary amendment to be carried out within one week from today and necessary copies be furnished to the learned counsel for the appellant.

6. The respondents are at liberty to file their response, thereby raising therein the whatever objections they have to the continuance of the proceeding by the persons who are now permitted to come on record. It is once again clarified that the leave is granted to the clearly without prejudice to the rights and contentions of the respondents.

7. Stand over to 20 January 2017.

(M. S. SONAK, J.)