

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 43 OF 2017
IN
CIVIL APPLICATION NO. 788 OF 2016
IN
CIVIL REVISION APPLICATION NO. 324 OF 2009

Saraswatibai Bhiswambharlal Charity Trust & Ors.	..Applicants
<u>In the matter between :</u>	
Mahendra Ratilal Jasani & Anr.	..Petitioners
VS.	
Krishna Gopal Maheshwari & Ors.	..Respondents

WITH
CIVIL APPLICATION NO. 6 OF 2017
IN
CIVIL REVISION APPLICATION NO. 324 OF 2009

Jayshree Shirsh Jasani	..Applicant
<u>In the matter between :</u>	
Mahendra Ratilal Jasani & Anr.	..Petitioners
VS.	
Krishna Gopal Maheshwari & Ors.	..Respondents

Ms Nafisa Khandeparkar with Ms W. Parkar i/b. ALMT Legal for Applicant in CA 43 of 2017 and for Respondents in CA 6 of 2017.
Ms Asha Bhuta i/b. Bhuta & Associates for Applicant in CA 6 of 2017 and for Respondents in CA 43 of 2017.

CORAM : M. S. SONAK, J.
DATE: 18 SEPTEMBER 2017

P.C :

1] Learned counsel for the applicant states that there is already an order for expeditious hearing in the matter. Learned counsel for the respondents states that on two occasions orders were made

rejecting the application for expedition. When requested to furnish copies of these orders, both the learned counsel do not cooperate in furnishing copies of the order. Instead, learned counsel for the respondents insisted that the application for early hearing was already rejected on two occasions.

2] Accordingly, civil application No. 43 of 2017 is also rejected with costs assessed at Rs.10,000/-. Prayer for expeditious hearing in this civil application is rejected by imposing costs of Rs.10,000/- payable within four weeks in favour of Kirtikar Law Library.

3] Learned counsel for the respondents point out that in this civil application there is reference to the son of the petitioner No. 2. The petitioners are directed to bring on record the son in these proceedings, so that there are no further complications in the matter. In case the son is not willing to join the proceedings as the petitioner, he may be impleaded as a respondent in this CRA. In case there are other legal heirs, the petitioners to implead them as respondents in order to avoid complications in future

4] Necessary amendment to be carried out within a period of four weeks from today.

5] In civil application No. 6 of 2017 the applicant Jayshree

Shirish Jasani claims to be the wife of petitioner No. 2. Learned counsel for the respondents disputes this position. At this stage, it is not necessary to go into the dispute. Without prejudice to this dispute, the applicant can always be brought on record and permitted to pursue this CRA.

6] There is some explanation for the delay of 300 days in taking out this application. However, it is necessary that the applicant should have acted with greater diligence in a matter of this nature. Therefore, whilst condoning the delay, it is only proper that the applicant is saddled with costs.

7] Learned counsel for the respondents graciously agrees that the amount of costs may be paid to the Kirtikar Law Library.

8] Accordingly , civil application No. 6 of 2017 is made absolute in terms of prayer clauses (a) and (b) subject to the applicant paying costs of Rs.10,000/- in favour of Kirtikar Law Library within a period of four weeks from today.

9] So far as remaining reliefs in civil application Nos. 43 of 2017 are concerned, the opposite party may file their replies within four weeks from today by service of advance copy to the learned counsel for the applicants.

10] So far as civil application No. 205 of 2017 for mesne profits is concerned, same is not on board. The said civil application be listed on board on the next date of hearing for consideration.

11] Place the matter for further consideration after four weeks.

(M. S. SONAK, J.)

Chandka