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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.27 OF 2018
IN
APPEAL NO.63 OF 2007
IN
ARBITRATION PETITION NO.114 OF 2006

Harishandas T. Pabari & Anr.	...Applicants ...Ori.Appellants / ...Ori.Respdt.Nos.1 & 2
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IN THE MATTER BETWEEN :

Harishandas T. Pabari & Ors. V/s. Nandkishor A. Acharya	...Appellants ...Respondent ...Ori.Petitioner
Rajendra A. Acharya & Anr. And	...Respondents ...Ori.Respdt Nos.3 and 4
Alok N. Acharya	...Proposed Respondent

WITH
NOTICE OF MOTION NO.424 OF 2017
IN
APPEAL NO.63 OF 2007
IN
ARBITRATION PETITION NO.114 OF 2006

Harikishandas T. Pabari & Anr.	...Applicants / ...Ori.Appellants / ...Ori.Respdt.Nos.1 & 2
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IN THE MATTER BETWEEN :

Harishandas T. Pabari & Anr. ...Appellants/
...Ori.Respondents

V/s.
Nandkishor A. Acharya ...Respondents
...Ori.Petitioners

Mr.Rajiv Narula i/b M/s.Jhangiani Narula & Associates for the
Applicants / Appellants.

Mr.Chaitanya R. Kulkarni i/b Ms.Shubhangi Sangle for the proposed
Respondent No.1(a) – Mr.Alok Nandkishor Acharya.

Ms.Rajalakshmy Mohandas with Mr.Rajul Jain i/b M/s.Rajalakshmy
Associates for the Respondent No.2(a) – Ms.Nikita Sushant Acharya.

Mr.Siddhesh Borkar i/b Mr.Sachin Dhakephalkar for the Respondent.
No.2.

WITH
NOTICE OF MOTION NO.814 OF 2019
IN
APPEAL NO.63 OF 2007
IN
ARBITRATION PETITION NO.114 OF 2006

Manish H. Pabari & Anr. ...Applicant
...Ori.Appellant.No.2

IN THE MATTER BETWEEN :

Harishandas T. Pabari & Ors. ...Appellants
V/s.
Nandkishor A. Acharya ...Respondents
...Ori.Respdt.Nos.1 & 3

Rajendra A. Acharya & Anr. ...Respondents
...Ori.Respdt Nos.3 and 4

And

Nikita S. Acharya ...Proposed Respondent

Mr.Rajiv Narula i/b M/s.Jhangiani Narula & Associates for the
Applicants / Appellants.

Mr.Chaitanya R. Kulkarni i/b Ms.Shubhangi Sangle for the proposed Respondent No.1(a) – Mr.Alok Nandkishor Acharya.

Ms.Rajalakshmy Mohandas with Mr.Rajul Jain i/b M/s.Rajalakshmy Associates for the Respondent No.2(a) – Ms.Nikita Sushant Acharya.

Mr.Siddhesh Borkar i/b Mr.Sachin Dhakephalkar for the Respondent. No.2.

CORAM : R.D. DHANUKA &
V.G. BISHT, JJ.
DATE : 19TH MARCH, 2021.

P.C. :-

1. The Notice of Motion No.424 of 2017 is filed by the applicant (original appellant) *inter-alia* praying for condonation of delay and for seeking amendment to the appeal memo as per the schedule appended thereto. The applicant seeks to bring the proposed respondent in place of respondent no.2 on record.
2. The Notice of Motion No.814 of 2019 is filed inter-alia praying for condonation of delay in filing the notice of motion and for amendment in the appeal memo. The respondent no.2 has expired. The notice of motion is filed also to bring the legal heirs of the respondent no.2 on record.
3. The Notice of Motion No.424 of 2017 is filed by the applicant for condonation of delay and for bringing legal heirs of the respondent no.1 - Nandkishor A. Acharya on record.
4. It is not in dispute that during pendency of Notice of Motion No.424 of 2017, legal heir of the original respondent no.2 in

the said notice of motion Sushant Rajendra Acharya who was proposed to be impleaded as party respondent expired. The applicant has already filed separate notice of motion for bringing legal heirs of Sushant Rajendra Acharya. No relief is thus required to be granted in the said Notice of Motion No.424 of 2017.

5. The Notice of Motion No.814 of 2019 is made absolute in terms of prayer clauses (a) and (b). The Notice of Motion No.27 of 2018 is made absolute in terms of prayer clauses (a) and (b). The amendment to be carried out within two weeks from today. The amended copy of the appeal memo shall be served upon the respondents including the newly added party within two weeks from the date of carrying out amendment. The Vakalatnama shall be filed by the newly added parties within two weeks from the date of service of the amended copy of the appeal memo.

6. The Notice of Motion No.424 of 2017 is also disposed of in aforesaid terms. There shall be no order as to costs.

7. The appellants are at liberty to apply for fixing early date of hearing after carrying out amendment and effecting the service of papers and Proceedings upon the respondents including the newly added party.

(V.G. BISHT, J.)

(R.D. DHANUKA, J.)

Vasant
A. Idhol

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by Vasant A.
Idhol
Date: 2021.03.22
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