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

NOTICE OF MOTION NO.28 OF 2018
IN
APPEAL NO.62 OF 2007
IN
ARBITRATION PETITION NO.119 OF 2006

Harishandas T. Pabari & Anr. ...Applicants
...Ori.Appellants /
...Ori.Respdt.Nos.1 & 2

IN THE MATTER BETWEEN :

Harishandas T. Pabari & Ors. ...Appellants
V/s.
Sushant R. Acharya & Ors. ...Respondents
...Ori.Petitioners
And

Alok N. Acharya ...Proposed Respondent

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

Ms.Rajalakshmy Mohandas with Mr.Rajul Jain i/b M/s.Rajalakshmy
Associates for the Respondent No.1(a) – Ms.Nikita Sushant Acharya.

Mr.Chaitanya R. Kulkarni i/b Ms.Shubhangi Sangle for the proposed
Respondent No.2(a) – Mr.Alok Nandkishor 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. By this notice of motion, the applicants seek condonation of delay of 5 days in filing the notice of motion and for amendment in the appeal memo and pending notice of motion as per schedule appended to the notice of motion. The respondent no.2 has expired. Learned counsel appearing for the proposed respondent on instructions states that the entire appeal is devoid of merit. He however, does not dispute that the proposed respondent is the legal heir of the respondent no.2. He has no objection if the delay is condoned as prayed.

2. The notice of motion is made absolute in terms of prayer clauses (a) and (b). The amendment to be carried out within two weeks from today. The appellants are directed to serve the amended copy of the appeal memo along with annexures thereto upon the respondent no.1 including the newly added party within two weeks from the date of carrying out amendment. Whether the appeal itself is devoid of merit or not will be considered at the stage of final hearing of the appeal.

(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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