

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1554 OF 2023
IN
APPEAL FROM ORDER NO.742 OF 2019**

Kanhaiyalal Joshi (deceased)	...	Applicants
through legal heirs and Ors.		
and		
Kanhaiyalal Nathulal Joshi	...	Appellant
versus		
Jagdish Harkishan Sharma	...	Respondent
and		
Municipal Corporation of Gr. Mumbai	...	Respondent

**WITH
INTERIM APPLICATION NO.2149 OF 2023
IN
APPEAL FROM ORDER NO.742 OF 2019**

Chetan Virji Dangodara & Ors.	...	Applicants
and		
Kanhaiyalal Joshi	...	Appellant
versus		
Jagdish Harkishan Sharma	...	Respondent
and		
Municipal Corporation of Gr. Mumbai	...	Respondent

**WITH
CONTEMPT PETITION NO.275 OF 2018**

Amit Durgaprasad Bhadrwaj	...	Petitioner
versus		
Jagdish Harkishan Sharma	...	Respondent

Mr. Vaibhav Joglekar, Sr. Advocate with Ms. Mily Ghoshal, Mr. Prathamesh Kamat, Mr. Ritika Vijan i/by Ms. Mily Ghoshal for Applicants in IA 2149 of 2023.
Mr. Owen Menezes with Ms. Lizlam Wangadi i/by R.S.Tripathi for Applicants in IA 1554 of 2023.
Mr. Amit D. Bharadwaj for Petitioner in CP 275 of 2018.
Mr. Rajesh Shah i/by Mr. Atul Singh for Respondents in AO 742 of 2019 and CP 275 of 2018.

CORAM: N.J.JAMADAR, J.

DATE : 24 MARCH 2023

P.C.

INTERIM APPLICATION NO.1554 OF 2023

1. Heard the learned Counsel for the parties.
2. This Application is taken out to bring the legal representatives of the Appellant – Kanhaiyalal Nathulal Joshi, who passed away on 7 January 2023.
3. The Application is supported by a copy of the death certificate and an Affidavit.
4. The Application is within the statutory period of limitation.
5. Hence, the Application stands allowed in terms of prayer clause (a).
6. Necessary amendment in the appeal memo be carried out within a period of one week.
7. Application stands disposed.

INTERIM APPLICATION NO.2149 OF 2023

8. In view of the order passed in Interim Application No.1554 of 2023, the Applicants are at liberty to amend the Application so as to implead the legal representatives of the deceased Appellant – Kanhaiyalal Nathulal Joshi, who are impleaded in the Appeal, as party Respondents to this Application.
9. The Respondent/original Plaintiff and the newly impleaded legal

representatives of the Appellant/original Defendants are at liberty to file an Affidavit in Reply within a period of two weeks.

10. List on 19 April 2023.

CONTEMPT PETITION NO.275 OF 2018

11. The learned Counsel for the Respondent seeks further time to file an Affidavit in Reply.

12. By way of final indulgence, one week time is granted to the Respondent to file Affidavit in Reply.

13. In the event of default, the Contempt Petition would be heard on the premise that the averments in the Petition remain uncontroverted. In the event the Affidavit in Reply is filed and copy served on the Petitioner, the Petitioner may file an Affidavit in Rejoinder within a week thereafter.

14. List on 19 April 2023.

(N.J.JAMADAR, J.)