

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

**INTERIM APPLICATION NO. 180 OF 2022
IN
FIRST APPEAL (L) NO. 4980 OF 2021**

Thakarchand Bhikchand Punmiya
(HUF) Representaed Thr. Karta Shr
Thakkarchand B. Punmiya And Ors.

...Applicants

Versus

M/s. Buddhdev Enterprises , Thane And Ors.

...Respondents

Mr Bhushan C. Joshi for applicant.

Mr. Niranjan P Shimpi for respondent nos. 7 to 12.

**CORAM: K.R. SHRIRAM &
RAJESH S. PATIL, JJ**

DATED: 11th April, 2023

PC:-

1. Application is for bringing on record one Ramesh Thakarchand Punmiya as Karta of appellant No.1 (HUF) in view of the death of the earlier Karta Thakarchand Bhikchand Punmiya who expired on 10th June 2021.

2. Mr. Joshi for applicant states that he attempted to serve

respondent nos. 1 to 5 at the address given in the cause title but the packet came back undelivered with the endorsement, “no such person resides at the address”.

3. Respondent no.6 has been served and respondent no.7 to 12 are represented by Mr. Shimpi. Respondent no.13 has also been served.

4. Respondent nos. 6 to 13 have not filed any affidavit in reply. Since this application is only to bring on record the new karta in place of earlier karta and the application has been filed within prescribed time, i.e., on 21st September 2021 when the earlier Karta died on 10th June 2021, application accordingly allowed in terms of prayer clause A and disposed.

5. Mr. Joshi states that instead of granting prayer clause (b) as worded in the application, liberty be granted to delete appellant no.4 since the legal heirs of appellant no.4 are already on record as appellant nos. 2, 3, 5 and 6. Liberty to delete the name of appellant no.4 granted.

6. Mr. Joshi states that the order on record shown as passed on 5th December 2022 is an erroneous order as no such order was passed. Mr. Shimpi

agrees with Mr. Joshi. Therefore, this order dated 5th December 2022 be deleted.

(RAJESH S. PATIL,J.)

(K.R. SHRIRAM,J.)