

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.15671 OF 2023
IN
FIRST APPEAL NO.1262 OF 2012**

Purnima Rajesh Parikh And Ors. ...Applicants

Versus

M/s. Suraj Estate Developers Pvt. Ltd. ...Respondent

Mr. T. J. Mendon for the Applicant in Interim Application and
Respondent Nos. 1 to 3 in First Appeal.

Adv. D.S. Joshi for the Appellant in First Appeal.

CORAM : RAJESH S. PATIL, J.

DATED : 12th OCTOBER, 2023.

PC.:

1. This Interim Application seeks modification of Order dated 4th May, 2023.
2. This Interim Application is filed as the First Appeal and Cross Objection were heard and disposed of by Judgment and Order dated 4th May, 2023, by this Court.
3. It is the case of Applicant, at that time when the matter was heard and disposed of, they were not aware that the mother of the deceased who were joint as Respondent in the Claim Application, had died. Therefore, while the First Appeal was

disposed of and the claim was enhanced the mother of the deceased also given her share in the Judgment and Order dated 4th May, 2023.

4. As on the date of Judgment and Order dated 4th May, 2023, the mother had already died and her legal heirs i.e. Applicant No.1 (Purnima Rajesh Parikh), Applicant No.2 (Dharmesh Rajesh Parikh) and Applicant No.3 (Dhruv Rajesh Parikh) are already on record the share which is given.

5. Advocate for the Applicant Mr. Mendon states that there is no other legal heirs of the deceased. Therefore, I direct the share of the mother (Damayanti Shantilal Parikh) should be given to the Applicant Nos.1, 2 and 3.

6. The Judgment and Order dated 4th May, 2023 is modified only to this respect. Rest of the order remains same.

7. Interim Application stands disposed off.

8. All the parties to act on an authenticated copy of this order. The issuance of certified copy of this order is expedited.

(RAJESH S. PATIL, J.)