

K.S. Jadhav

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

INTERIM APPLICATION NO.375 OF 2023

IN

SUIT NO.34 OF 2023

Salil Joshi

...Applicant/Plaintiff

Versus

Vinod Chandra Brahmbhatt & Ors.,

...Defendants

Mr. Bhupesh Dhumatkar i/b Ms. Ankita Phadke, Advocate for Applicant/Plaintiff.

Mr. Digajmaan Mishra a/w Ms. Anisha Didwania a/w Ms. Aishwarya Lad i/b NDB Law, Advocates for Defendant No.1.

Ms. Kareena Tahilramani i/b Mandlik & Partners, Advocate for Defendant No.2.

CORAM : R.I. CHAGLA J.

DATE : 2ND MARCH, 2023.

ORDER :

1. By this Interim Application, the Applicant/Original Plaintiff has sought permission to amend the captioned Suit as per Schedule annexed at Exhibit-C to the Interim Application.

2. The proposed amendment is for deletion of the name of Defendant No.1 who had expired on 4th December, 2022 and for bringing the legal heirs of Defendant No.1 as Defendant Nos. 1A to

5A in the Complaint and in Interim Application filed in the Suit.

3. It is noted that by order dated 21st June, 2021, this Court had directed the Defendants not to create any third party rights in the Suit Flat.

4. Having considered the avements in the Interim Application as well as noting that the Defendant No.1 has expired and copy of Death Certificate is annexed at Exhibit-B to the Interim Application, the legal heirs of Defendant No.1 require to be brought on record. The relief sought for in the Interim Application is granted. Hence, the following order is passed :

(i) The Applicant/Original Plaintiff is permitted to amend the Complaint and Interim Application filed therein in accordance with Schedule at Exhibit-C to the present Interim Application.

(ii) The amendment shall be carried out by the Applicant/Plaintiff within a period of one week from today.

(iii) Interim Application is accordingly disposed of.

5. At this stage, the learned Counsel appearing for Defendant No.1A to 5A states that the Plaintiff has breached Clause (iv) of the

operative part of the order dated 21st June, 2021, by which the Plaintiff was restrained from precipitating matters by entering into any transactions either with the bank, from which parties state that funds have been borrowed, or otherwise deal with the property. He has sought leave to file Interim Application in that context.

6. Defendant Nos. 1A to 5A are at liberty to take out Interim Application and if filed, shall be listed on 16th March, 2023.

[R.I. CHAGLA J.]