

Digitally signed
by SATISH
RAMCHANDRA
SANGAR
Date:
2023.09.07
14:52:12
+0530

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

EXECUTION APPLICATION NO. 443 OF 2005

Ramji Nagji Shah ...Plaintiff
(Decree-Holder)

vs.

Shashikala Machhindranath Kadam ...Defendant

**WITH
INTERIM APPLICATION (LODGING) NO. 21461 OF 2023
IN
EXECUTION APPLICATION NO. 443 OF 2005**

Vinay Kadam also known as :
Rollin Regan ...Applicant
(Decree-Holder)

In the matter between

Ramji Nagji Shah ...Plaintiff
(Decree-Holder)

vs.

Shashikala Machhindranath Kadam ...Defendant

**WITH
INTERIM APPLICATION (LODGING) NO. 3073 OF 2021
IN
EXECUTION APPLICATION NO. 443 OF 2005**

Kashmira Abhay Kadam and Anr. ...Applicant

In the matter between

Ramji Nagji Shah ...Plaintiff
(Decree-Holder)

vs.

Satish Sangar

Shashikala Machhindranath Kadam ...Defendant

WITH
INTERIM APPLICATION (LODGING) NO. 9746 OF 2020
IN
EXECUTION APPLICATION NO. 443 OF 2005

Amita Sunjoy Kadam ...Applicant

In the matter between

Ramji Nagji Shah ...Plaintiff
(Decree-Holder)

vs.

Shashikala Machhindranath Kadam ...Defendant

WITH
TESTAMENTARY PETITION NO. 1161 OF 2021
WITH
CHAMBER ORDER (LODGING) NO. 22906 OF 2022
IN
TESTAMENTARY PETITION NO. 1161 OF 2021

Rollin Regan ...Petitioner

vs.

Shashikala Machhindranath Kadam
(Deceased) ...Defendant

Mr.Tanmay T. Jadhav i/b. Mr.Nikhilesh D. Pote – Advocate for Applicant in Interim Application (L) No. 9746 of 2020.

Ms.Sneha Vani a/w Mr.Aditya A. Kavale i/b. Zohair and Company – Advocate for Respondent (Namrata Kadam).

Mr.Dharam Juman i/b. Ms.Chandrika Prajapati – Advocate for Applicant in Interim Application (L) No. 21461 of 2023, 3073 of 2021 and for Respondent in Interim Application (L) No.9746 of 2020.

CORAM : S. M. MODAK, J.

DATED : 1ST SEPTEMBER 2023

P. C. :

1. Heard learned Advocate for the Applicant and learned Advocate for the Respondents.
 2. In fact, names of the Respondents were brought on record as per the order dated 28th December, 2020 passed in Interim Application (L) No. 9746 of 2020. There is grievance that amendment is not carried out till today.
 3. The Original Judgment-Debtor is one Shashikala Kadam. Her flat was sold in execution and decree passed in Summary Suit. The sale-proceeds were more than the decretal amount. Now, the issue is about disbursal of the remaining amount.
 4. As per the order dated 26th November, 2019 passed in Chamber Summons No.1097 of 2019, four legal heirs of deceased Shashikala were brought on record. The present Respondents are son Vinay (also known as Rollin Regan) and Abhay, daughter Priya Kadam and the wife Molina Kulkarni and daughter Namrata Kadam of deceased son Sunjjoy of deceased Shashikala.
 5. Present Applicant claims to be the wife of deceased son Sunjjoy. This Court as per the same order dated 26th November, 2019
- Satish Sangar*

has directed the Office to disburse the amount proportionately. Son Vinay has already taken the amount. Now, rest of the LRs have to receive the amount. Pending that, present Application is filed.

6. An adjournment is sought as the arguing Counsel is not keeping well. It is strongly opposed on behalf of the Respondents.

7. Stand over to **8th September, 2023**.

8. It is made clear that on that date, Court will hear this matter and if the adjournment is sought by the Applicant, cost of Rs.5,000/- will be saddled.

9. Daughter Namrata wants to file Vakalatnama and reply. Let it be taken on record. Vakalatnama and reply is on ledger paper. Let Office to accept it.

[S. M. MODAK, J.]