

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

INTERIM APPLICATION NO.134 OF 2023

IN

SUIT NO.1838 OF 1997

VISHAL
SUBHASH
PAREKAR

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VISHAL SUBHASH
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Date: 2023.02.21
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Asgar Abdulali Patel

...Applicant/
Ori. Plaintiff

In the matter of

Mohamed Aquil Mohamed Ismail Qureshi and Ors. ...Plaintiffs

vs.

Abdul Husein Mohamedali Gandhi and Others

...Defendants

Mr. Dhawal Patil i/b.M/s. K. Ashar & Co., for the Applicant.

Mr. A. Patel i/b. Mr. Jamshed Ansari, for Defendant No. 2.

Mr. Advait Hattangadi i/b. Falvia Legal, for Defendant No. 3.

Mr. Ranjeev Carvalho a/w. Mr. Laxman Jain i/b. Mr. Yogesh Adhir,
for Defendant Nos. 4(c) and 4(d).

Ms. Sheeja John i/b. M/s. M.P. Savla & Co., for Defendant No. 5.

CORAM : N. J. JAMADAR, J.

DATE : FEBRUARY 20, 2023

P.C.:

1. Heard the learned counsel for the parties.
2. Leave to amend the Schedule- I.
3. Necessary amendment be carried out forthwith.
4. This application is taken out to bring the legal representatives of defendant No. 4 on record who passed away on 12th October, 2022.
5. The application is supported by a copy of the death certificate and a copy of the Will purported to be executed by defendant No. 4 whereby the properties of defendant No. 4 have been bequeathed to

proposed defendant Nos. 4a to 4d.

6. Affidavit in reply is filed on behalf of defendant Nos. 4c and 4d.

7. It is the stand of defendant No. 4c and 4d that the suit flat is bequeathed to defendant Nos. 4c and 4d only.

8. The learned counsel for the applicant submits that the probate of the Will has yet not been obtained.

9. In the circumstances, it would be expedient to allow the application and bring all the legal representatives of the deceased defendant No. 4, as proposed in the schedule-I, on record.

10. Hence, the application stands allowed in terms of prayer clause (a).

11. Necessary amendment be carried out in accordance with the schedule of amendment (schedule -1) appended to the application within three weeks and amended copy of the plaint be served on the defendants.

Application disposed.

(N. J. JAMADAR, J.)