

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

FIRST APPEAL NO.78 OF 2014

Dilip Mahasukhlal Shah and Ors. .. Appellants
Vs.
Chandrakant Kantilal Shah and Ors. .. Respondents

**ALONG WITH
WRIT PETITION NO.1149 OF 2019**

Chandrakant Kantilal Shah and Ors. .. Petitioners
Vs.
Kailash Popatlal Shah and Ors. .. Respondents

**ALONG WITH
WRIT PETITION (STAMP) NO.18001 OF 2019**

Kailash Popatlal Shah and Ors. .. Petitioners
Vs.
Chandrakant Kantilal Shah and Ors. .. Respondents

Mr. Rubin Vakil with Ms. Mahek Kamdar, Mr. Rishabh Ranka and Mr. Hersh Choksi, Advocate, i/by Kanga & Co., for the Appellants in FA/78/2014.

Mr. Sharan Jagtiani, Sr. Advocate, with Mr. Aman Kacheria, Mr. Prasanna Tare and Ms. Akshada Shetye, Advocates for Respondent Nos.1 to 4 and 8 to 10 in FA/78/2014.

Mr. Amey Deshpande, Advocate for the Petitioners in WP(ST)/18001/2019 and for Respondent Nos.11/A to 11/H and 12 to 12/C and 14 in FA/78/2014 and for Respondent Nos.1 to 6, 8/1 to 8/3, 9/1, 10, 11/1 to 11/8 and 12 in WP/1149/2019.

Mr. Kunal Vajani with Mr. Shubhang Tandon, Mr. Aman Singh Brar and Mr. Sumit Khandare, i/by Ms. Deepika Bhonsle, Advocates for Respondent Nos.27, 28A and 37 in FA/78/2014.

Mr. Prasanna Tare, Advocate for the Petitioners in WP/1149/2019.

**CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ**

DATE : 23RD APRIL, 2024.

PC. :

1. First Appeal No.78 of 2014 was heard on 17th April 2024 and we had pronounced the operative order indicating that the order passed below Exhibit-81 in Special Civil Suit No.78 of 2011 had been set aside and the proceedings were remanded to the Trial Court for fresh consideration. However, subsequently on perusal of the record of the proceedings, it was seen that by an administrative order, the proceedings in Writ Petition No.1149 of 2019, Writ Petition (Stamp) No.18001 of 2019 and Appeal from Order No.511 of 2017 were to be heard along with the First Appeal. This fact was not brought to our notice by the learned counsel when the First Appeal was heard on 17th April 2024. To seek a clarification in that regard, these proceedings have been listed today.
2. The learned counsel for the parties seek time to verify the record and assist the Court in that regard. Hence, at their request, stand over to 24th April 2024.

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]