

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1995 OF 2017
WITH
CIVIL APPLICATION NO. 1996 OF 2017
IN
FIRST APPEAL (ST) NO. 10110 OF 2014

Amin Abdul Aziz Rajwani & Ors. ... Applicants

IN THE MATTER BETWEEN

Mr. Fredrick Fernandes (deleted) & ... Appellants
Ors.

V/s.

Mr. Ramkaran Shivram Yadav ... Respondents
(deleted) His Lrs. 1A Smt. Parvati
Ramkaran wd/o. Ramkaran S.
Yadav and Ors.

INTERIM APPLICATION NO. 15000 OF 2023
IN
FIRST APPEAL (ST) NO. 10110 OF 2014

Tazaldin Sadruddin Nanavati ... Applicant

IN THE MATTER BETWEEN

Tazaldin Sadruddin Nanavati ... Appellant

V/s.

Mr. Ramkaran Shivram Yadav ... Respondents
(deleted) His Lrs. 1A Smt. Parvati
Ramkaran wd/o. Ramkaran S.
Yadav and Ors.

CIVIL APPLICATION NO. 69 OF 2023
IN
FIRST APPEAL (ST) NO. 10110 OF 2014

Tazaldin Sadruddin Nanavati ... Applicant

IN THE MATTER BETWEEN

Mr. Fredrick Fernandes (deleted) & ... Appellants
Ors.

V/s.

Mr. Ramkaran Shivram Yadav ... Respondents
(deleted) His Lrs. 1A Smt. Parvati
Ramkaran wd/o. Ramkaran S.
Yadav and Ors.

**INTERIM APPLICATION NO. 18373 OF 2023
IN
FIRST APPEAL (ST) NO. 10110 OF 2014**

Yashmin Shashikant Valiyani ... Applicant

IN THE MATTER BETWEEN

Mr. Fredrick Fernandes (deleted) & ... Appellants
Ors.

V/s.

Mr. Ramkaran Shivram Yadav ... Respondents
(deleted) His Lrs. 1A Smt. Parvati
Ramkaran wd/o. Ramkaran S.
Yadav and Ors.

Mr. Prasad Dhakephalkar, Senior Advocate with Mr. Prasad Shenoy
and Nirav Shroff I.by Nirav Shroff for the Applicants in
CAF/1995/2017 & IA/18373/2023.

Ms. Manisha Desai I.by M/s M.P. Vashi & Associated, for the
Respondent Nos. 1(a) to 1(f).

Mr. Vineet B. Naik, Senior Counsel with Mr. Pradeep Thorat with Mr.
Nilesh Tated with Mr. Danish Qureshi i/by Mahimtura and Co., for the
appellant no. 12/Ori. Plaintiff.

CORAM : KISHORE C. SANT, J.

DATE : 5TH JANUARY 2024.

PC:

CIVIL APPLICATION NO. 1995 of 2017

With

CIVIL APPLICATION NO. 1996 of 2017

1. Both these applications are with prayer to delete the name of Appellant No. 11 i.e. Abdul Aziz Fazalbhairajwani as he is no more. Other request is made to show legal heirs of deceased Abdul Aziz Fazalbhairajwani as formal respondents in the cause title of the First Appeal in view of changed circumstances that heirs of Abdul Aziz Fazalbhairajwani want to contest the appeal independently. There is no dispute about the same. There is no also objection to allow the prayers in the applications.

2. Hence, both these applications are allowed.

3. Appellant No. 11, Abdul Aziz Fazalbhairajwani be deleted from the array of application and his heirs be shown in Civil Application No. 1995 of 2017 as Respondent Nos. 10 (a) to 10 (e). Necessary amendment be carried out within two weeks from today.

4. Civil Application Nos. 1995 of 2017 and Civil Application No. 1996 of 2017 are disposed off.

INTERIM APPLICATION NO. 18373 OF 2023

1. This is an application for bringing the legal heirs of the deceased Applicant No. 3, Karim Abdul Aziz Rajwani on record. According to the learned counsel, Karim Abdul Aziz Rajwani expired on 1st February 2018. The death certificate is on record.

2. For the reasons, there is no objection and this position is

accepted that the applicants are the heirs of deceased Karim Abdul Aziz Rajwani.

3. The application is allowed. Amendment be carried in the cause title of the appeal.

4. The application stands disposed off.

INTERIM APPLICATION NO. 15000 OF 2023.

1. This application is seeking leave to raise additional grounds in the Appeal. This application is opposed by learned counsel for the respondent Nos. 1(a) to 1(e) on the ground that the appeals are filed in the year 2014 and thus this application is filed after much delay. Since the grounds are in respect of subsequent development and does not change nature of dispute. The application is allowed and disposed off.

CIVIL APPLICATION NO. 69 of 2023.

1. This application is filed for deletion of Appellant No. 13 who expired on 2nd November 1994 without any heir.

2. For the reasons assigned in the application, the application is allowed and stands disposed off.

(KISHORE C. SANT, J)