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

WRIT PETITION NO. 2299 OF 2024

Vikash Tolaram Chudiwala and Ors. .. Petitioners

Versus

Manish Jhunhunwala .. Respondent

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- Mr. Yatin R. Shah a/w. Mr. Vipul Makwana, Advocate for Petitioners.
 - Mr. Rustom M. Pardiwalla i/by Mr. Samrat Ingle, Advocate for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 08, 2024.

P.C.:

1. Heard Mr. Shah, learned Advocate for Petitioners and Mr. Pardiwalla, learned Advocate for Respondent.

2. The present controversy though arises out of the order passed in Chamber Summons No.408 of 2023, pursuant to order passed by this Court dated 21.01.2023 in Writ Petition No.3580 of 2022, can be addressed by directing the Plaintiff to implead Defendant Nos.2B to 2D as co-parceners of the estate of Lachhiram Chudiwala HUF. Defendant Nos.2B, 2C and 2D have been impleaded in place of Defendant No.2(A) i.e. Mohini Devi Chudiwala by the Plaintiff. Appropriate amendment is directed to be carried out in the cause title as also in the body of the Suit plaint which shall be permitted and

allowed by the learned Trial Court to be effected within a period of two weeks from today.

3. It is clarified that, all contentions of the Plaintiff with respect to seeking recovery of the amounts due and payable from the estate of Lachhiram Chudiwala HUF into the hands of Defendant Nos.2B, 2C and 2D are expressly kept open and if the Plaintiff succeeds in doing so, the learned Trial Court shall pass appropriate orders strictly in accordance with law.

4. Both the parties shall be entitled to lead their respective evidence in accordance with law.

5. In view of the fact that the Suit is of the year 2001, learned Trial Court is directed by this Court to dispose of the Suit proceedings as expeditiously as possible and in any event within a period of 6 months from today.

6. It is clarified that the learned Trial Court shall not grant any unnecessary adjournments to the parties unless it is utmost necessary due to any emergency / exigency.

7. Parties are directed to cooperate with the Trial Court for expeditious disposal of the Suit proceedings.

8. At the request of Mr. Shah, Defendant Nos.2B, 2C and 2D are permitted to file their written statement, if any, before the learned Trial Court within a period of two weeks from today. On the same being filed, the learned Trial Court shall take immediate steps to decide the same.

9. With the above directions, Writ Petition is allowed and disposed.

[MILIND N. JADHAV, J.]

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