

HARSHADA H. SAWANT  
(P.A.)

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

**WRIT PETITION NO.5974 OF 2024**

Jimmy Dara Sukhia

Petitioner /  
.. Ori. Plaintiff

**Versus**

~~Dina Dara Sukhia~~ (since deceased)

~~Dr. Viraf Dara Sukhia~~ (since deceased)

Dr. Mrs. Roshan Farokh Chinoy

.. Respondent

- .....  
• Mr. Hitesh Vyas, Advocate for Petitioner.

**CORAM : MILIND N. JADHAV, J.**

**DATE : JUNE 13, 2024**

**P.C.:**

- 1.** Mentioned. Not on Board. Taken on Board.
- 2.** Heard Mr. Vyas, learned Advocate for Petitioner.
- 3.** Perused the praecipe dated 13.06.2024, the Writ Petition and the impugned order dated 02.04.2024 passed below Exhibit-138 in Special Civil Suit No.430 of 1995 which is at Exhibit-H, page No.114 of the Writ Petition.
- 4.** An arguable case has been made out by Mr. Vyas for issuance of notice to Respondent.
- 5.** Hence, issue notice to the Respondent. Humdast permitted.  
In addition to Court's notice, Petitioner is directed to serve the Respondent a copy of this order and copy of the Writ Petition and inform her about the next date of hearing by any permissible mode of

service and file appropriate affidavit of service with tangible proof thereof. Respondent is directed to file Affidavit-in-Reply to the Writ Petition on or before the next date. Respondent is directed to appear on the next adjourned date.

**6.** Mr .Vyas would inform the Court that the learned Trial Court is now seized with the matter on 24.06.2024. Since this Court is now seized with the present Writ Petition, learned Trial Court is requested to defer the hearing of Special Civil Suit No.430 of 1995 on 24.06.2024 to a future date.

**7.** It is clarified that this Writ Petition shall be disposed after hearing both sides on the next adjourned date.

**8.** Stand over to **26<sup>th</sup> June, 2024.**

H. H. SAWANT

[ MILIND N. JADHAV, J. ]

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by HARSHADA  
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Date: 2024.06.13  
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