

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.8788 OF 2024**

1. Mrs. Moti Dinshaw Irani
(since deceased through Petitioner
No.2)

2. Jehangir Dinshaw Irani

....Petitioners

V/s.

Samsuddin Gulamhusain Lalani and
Ors.

....Respondents

WITH

CIVIL REVISION APPLICATION NO.71 OF 2024

M/s. Bhimale and Sons, A registered
partnership Firm through its
partners-

1. Narayan Husnappa Bhimale (since
deceased through his legal heirs)

a) Sunita Narayan Bhimale and Ors.

....Applicants

V/s.

1.Moti Dinshaw Irani (deleted)

2. Jehangir Dinshaw Irani and Anr.

....Respondents

Mr. R.A. Thorat, Senior Advocate i/b. **Mr. S.P. Chavan** for the Petitioners in
WP/8788/2024 and for Respondent Nos.1 and 2 in CRA/71/2024.

Mr. Prasad Kulkarni for Respondent Nos.2 and 3 in WP/8788/2024 and for
the Applicant in CRA/71/2024.

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CORAM : SANDEEP V. MARNE, J.

Dated : 28 June 2024.

P.C. :

1) Dr. Thorat, the learned senior counsel appearing for the Petitioners would submit that Respondent Nos.2 and 3 had expired during pendency of the appeal proceedings and inadvertently their legal heirs are not impleaded. It appears that a cross Civil Revision Application No.71 of 2024 is filed in which the names of heirs of late Narayan Husnappa Bhimale and late Yashwant Husnappa Bhimale are already on record. In that view of the matter leave is granted to amend the cause title of Writ Petition No.8788 of 2024 by impleading heirs of Respondent Nos.2 and 3 therein. Amendment to be carried out during the course of the day.

2) It appears that Apex Court has expedited hearing of Civil Revision Application No.71 of 2024. By order passed on 20 June 2024 this Court had made it clear that hearing of Civil Revision Application No.71 of 2024 shall not be adjourned.

3) Dr. Thorat, however submits that since cross writ petition is filed and there is defect in title clause therein, by way of indulgence, the hearing of Civil Revision Application No.71 of 2024 may also be deferred. List the Civil Revision Application No.71 of 2024 and Writ Petition No.8788 of 2024 for final hearing on **12 July 2024** high on board.

4) Mr. Kulkarni, the learned counsel waives service on behalf of legal heirs of Respondent Nos.2 and 3 in Writ Petition No.8788 of 2024. Leave is granted to the Petitioner to serve Respondent No.1 by private service.

[SANDEEP V. MARNE, J.]