

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**FIRST APPEAL NO.2477 OF 2011**  
**WITH**  
**CIVIL APPLICATION NO.5063 OF 2011**

Sitabai Naik (Since deceased) through legal  
heirs Lila Nagin Naik & Ors.

..Appellants

***Versus***

Tara Omprakash Rathod & Ors.

..Respondents

**WITH**  
**FIRST APPEAL NO.206 OF 2012**  
**WITH**  
**INTERIM APPLICATION NO.8285 OF 2024**  
**WITH**  
**INTERIM APPLICATION NO.8284 OF 2024**  
**WITH**  
**INTERIM APPLICATION NO.7300 OF 2024**  
**WITH**  
**CIVIL APPLICATION NO.2684 OF 2012**  
**WITH**  
**INTERIM APPLICATION NO.18370 OF 2023**  
**WITH**  
**CIVIL APPLICATION NO.1092 OF 2014**

M. Satish Babu & Ors.

..Appellants

Versus

Kannaiyalal Purshottamdas Shah & Ors.

..Respondents

**WITH**  
**FIRST APPEAL NO.251 OF 2012.**  
**WITH**  
**INTERIM APPLICATION NO.8283 OF 2024.**  
**WITH**  
**INTERIM APPLICATION NO.18368 OF 2023.**

**WITH**  
**CIVIL APPLICATION NO.131 OF 2012**  
**WITH**  
**CIVIL APPLICATION NO.1094 OF 2014**  
**WITH**  
**INTERIM APPLICATION NO.18369 OF 2023.**  
**WITH**  
**CIVIL APPLICATION NO.3434 OF 2015**  
**WITH**  
**CIVIL APPLICATION NO.2685 OF 2012**

Sukhram Triloki Varma Since deceased through  
legal heirs Govind Verma & Ors. ..Appellants  
Versus  
Kannaiyalal Purshottamdas Shah  
& Ors. ..Respondents

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*Mr. Akash S. Bhogil i/by E.K. Sasidharan, for the Appellants in FA/251/2021.*  
*Mr. Satyavan N. Vaishnav a/w Nupur J. Mukherjee & Jasmine Sabharwal i/by M/s. N. N. Vaishnawa & Co., for the Respondent No.1 to 6 and 8 to 10.*

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**Coram : Sharmila U. Deshmukh, J.**

**Date : 12<sup>th</sup> July, 2024.**

**P. C. :**

**INTERIM APPLICATION NOS.8283/2024 and 8285/2024 .**

1. Learned counsel for the applicant on instructions seeks permission to withdraw the application with liberty to file appropriate application. Applications are disposed of as withdrawn with liberty as

prayed.

**INTERIM APPLICATION NO.8284 OF 2024 .**

2. At the outset, learned counsel for the applicant seeks permission to amend prayer clause to incorporate prayer for setting aside abatement and for condonation of delay. Amendment to be carried out forthwith.

3. Application had been moved for bringing on record the legal heirs of deceased appellant No.5.

4. Issue notice to the legal heirs detailed in paragraph No.2 returnable on **9<sup>th</sup> August 2024.**

**INTERIM APPLICATION NO.18369 OF 2023.**

5. Interim application has been taken out by the Applicant for bringing on record legal heirs of deceased appellant No.1B and for condonation of delay and setting aside abatement.

6. Issue notice to the proposed respondents.

7. The legal heirs of deceased appellant No.1 has taken out this application for bringing them on record in place of deceased appellant No.1B.

**8.** Said application is opposed by learned counsel for the respondents.

**9.** Let affidavit-in-reply be filed within a period of 4 weeks from today.

**10.** Stand over to **9<sup>th</sup> August 2024.**

**FIRST APPEAL NO.2477 OF 2011.**

**11.** Appellant No.2 is present in person and seeks advocate through legal aid panel as advocate engaged by her is non-cooperative and she does not have funds to engage another advocate. She has tendered a written application which has been signed by her and other appellants. Same is taken on record. Ms. Ameeta Kuttikrishnan is appointed as Advocate from the panel of legal aid advocates to espouse the cause of the appellants.

**12.** Stand over to **9<sup>th</sup> August 2024.**

**[Sharmila U. Deshmukh, J.]**