

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL REVISION APPLICATION NO. 372 OF 2007**

Ranjit Sinha Moolji

through deceased heirs -

1(a) Mrs. Anila Rajitsinha Moolji (deleted)

1(b) Chetan Ranjitsinha Moolji

....Applicant

V/s.

1. Mrs. Jyostna Arvind

Maseelal and Ors.

....Respondents

WITH

WRIT PETITION NO. 3842 OF 2014

Ranjit Sinha Moolji

through deceased heirs -

1(a) Mrs. Anila Rajitsinha Moolji (deleted)

1(b) Chetan Ranjitsinha Moolji

....Petitioner

V/s.

Kalpataru Apartment Co-Op. Housing

Society Ltd. And Ors.

....Respondents

INTERIM APPLICATION NO. 11998 OF 2024

IN

WRIT PETITION NO. 3842 OF 2014

Ravindra V. Pandit and Ors.

....Applicants

V/s.

Mr. Ranjit Sinha Moolji (deceased)

Through his Legal Heirs And Ors.

....Respondents

Mr. K. D. Shah, *for the Applicant in CRA.*

None for the Petitioner in Writ Petition.

Mr. Nachiket V. Khaladkar, *for the Respondent in CRA &
Respondent-Society in WP No. 3842 of 2014.*

Mr. Rupesh Lanjekar *a/w Ms. Sayali Bhaidkar, for Respondent No.1 in WP No. 3842 of 2014 and I.A. No. 11998 of 2024.*

CORAM : SANDEEP V. MARNE, J.

Date : 14 OCTOBER 2024.

P.C. :

1) On 27 September 2024, when Writ Petition No.3842 of 2014 was listed before this Court, following order was passed :-

1) It is pointed out that the sole surviving Revision Applicant - Chetan Ranjitsinha Moolji has passed away on 29 July 2024, and he does not have any legal heirs. Mr. Shah, who was representing the deceased Revision Applicants seeks time to take instructions. It is seen that the declaratory suit was filed by the Original Revision Applicant – Ranjitsinha Moolji for declaring him as a tenant in respect of the suit premises. After his death his wife and son were brought on record in the Civil Revision Application and Writ Petition. Now both wife as well as son have passed away. It appears that Chetan does not have any Class – I legal heirs. In that sense the entire cause of seeking a declaration of tenancy would *prima facie* come to an end. Even if deceased Revision Applicant has any distant relatives, they will not be in a position to prosecute the Revision Application considering that residence with the tenant as family member is a *sine qua non* for establishing tenancy rights. While this Court was inclined to dispose of the Revision Application and Writ Petition as abated, Mr. Shah, has sought time by way of last chance to take instruction in the matter.

2) List the Civil Revision Application No. 372 of 2007 and Writ Petition No. 3842 of 2014 for dismissal on **14 October 2024.**

2) Mr. Shah, the learned counsel who used to appear on behalf of the deceased Petitioners and Revision Applicants would submit that so far he has not received any instructions from any person claiming to be the legal heir of deceased Petitioners / Applicants for further carriage of the proceedings before this Court.

3) In that view of the matter, Writ Petition and Revision Application are dismissed for want of prosecution. It is however clarified that in the event any person claiming to be legal heir of deceased Petitioners / Revision Applicants can satisfy the Court that they are entitled to represent the estate of the deceased Petitioners / Applicants, it will be open for them to apply to the Court for restoration of the Writ Petition and Revision Application. All the interim orders passed in the Writ Petition and Revision Application are vacated.

4) With dismissal of the Writ Petition and Revision Application, the allottee of the flat would be in a position to take over its possession.

5) Interim Application also stands disposed of.

[SANDEEP V. MARNE, J.]

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by GAYATRI
RAJENDRA
SHIMPI
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