

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16898 OF 2024

Jigarbhai Bharatbhai Shah (Legal Heir Of
Bharatbhai Hirachand Shah) .. Petitioners

Versus

Fatesinh Mohan Chouhan and Ors. .. Respondents

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- Mr. Manoj Badgujar, Advocate for Petitioners.
- Ms. Varsha Palav, Advocate for Respondent No.1.
- Mr. Sagar Kursija, Advocates for Respondent Nos.2 and 4.
- Mr. Shailendra S. Kanetkar, Advocate for Respondent No.8.

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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 26, 2025

P.C.:

1. Heard Mr. Badgujar, learned Advocate for Petitioners; Ms. Palav, learned Advocate for Respondent No.1; Mr. Kursija, learned Advocate for Respondent Nos.2 and 4 and Mr. Kanetkar, learned Advocate for Respondent No.8.

2. At the outset Mr. Badgujar informs the Court that inadvertently challenge to one order dated 14.08.2024 has been left out while filing the Petition. He would submit that Petitioner be allowed to amend the Petition to that effect alongwith consequential amendment to the Petition which is primarily filed challenging the Award of Lok Adalat passed on 02.10.2011.

3. The primary grievance expressed by Ms. Palav, learned

Advocate for Respondent No.1 is that it is only 10 years later when in execution proceedings the said Award was sought to be executed by Respondent No.1, Petitioner has approached this Court in the year 2024 for the first time. She would therefore persuade the Court to consider the issue of delay and laches.

4. However Mr. Badgujar would argue that the impugned Award passed by the Lok Adalat suffers from serious infirmity as much as out of the six original Defendants only one Defendant has appended his signature and the Award has been passed and therefore according to him Award is vitiated and is challenge in the present Petition filed under Article 227 of the Constitution of India.

5. Ms. Palav also argues one more additional submission to the effect that Petition suffers from inadequacy of relevant documents. She would persuade the Court to allow her to place the same on record on Affidavit. In view of the rival submissions which are noted on behalf of Respondents represented before me by Ms. Palav, Mr. Kursija and Mr. Kanetkar they are directed to file their Affidavit-in-reply.

6. Notice has already been issued. Affidavit of service is filed by Petitioner in so far as absentee Respondents are concerned today. Service has been effected on all Respondents as noted. Respondents present before me are duly represented by Advocates. They are directed to file their Affidavit-in-Reply within a period of two weeks from today.

Copy of the Reply shall be served on Mr. Badgujar in advance without recourse to any further orders from the Court. Rejoinder, if any, to be filed within a week thereafter.

7. Stand over to 16th September, 2025 at 03:00 p.m.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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