

Jvs.

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

COMMERCIAL APPEAL FROM ORDER NO.28 OF 2023

Mr. Hardasmal Hazarimal Tharwani	}	
& Ors.	}	Appellants
Vs.		
Mr. Sunil Hardasmal Tharwani & Ors.	}	Respondents

**WITH
INTERIM APPLICATION NO.17628 OF 2023
WITH
INTERIM APPLICATION NO.14437 OF 2023
IN
COMMERCIAL APPEAL FROM ORDER NO.28 OF 2023**

Mr. Hardasmal Hazarimal Tharwani	}	
& Ors.	}	Applicants/ Appellants
Vs.		
Mr. Sunil Hardasmal Tharwani & Ors.	}	Respondents

**WITH
COMMERCIAL APPEAL FROM ORDER NO.2 OF 2023**

Mr. Sunil Hardasmal Tharwani	}	
Partner of M/s Sai Homes & Anr	}	Appellants
Vs.		
Mr. Hardasmal Hazarimal Tharwani	}	
& Ors.	}	Respondents

**WITH
INTERIM APPLICATION NO.431 OF 2023
WITH
INTERIM APPLICATION NO.15135 OF 2024
WITH
INTERIM APPLICATION NO.15136 OF 2024
IN
COMMERCIAL APPEAL FROM ORDER NO.2 OF 2023**

Mr. Sunil Hardasmal Tharwani & Anr.	}	Applicants/ Appellants
Vs.		
Mr. Hardasmal Hazarimal Tharwani & Ors.	}	Respondents

**WITH
INTERIM APPLICATION St. NO.226 OF 2025
IN
COMMERCIAL APPEAL FROM ORDER NO.2 OF 2023**

Dhiren Anil Tharwani	}	Applicant
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In the matter between

Mr. Sunil Hardasmal Tharwani & Ors.	}	Appellants
Vs.		
Mr. Hardasmal Hazarimal Tharwani & Ors.	}	Respondents

**WITH
COMMERCIAL APPEAL FROM ORDER NO.3 OF 2023**

Mr. Rameshlal Sukhumal Raghuvanshi & Ors.	}	Appellants
Vs.		
Mr. Hardasmal Hazarimal Tharwani Partner of M/s Sai Homes & Ors.	}	Respondents

**WITH
INTERIM APPLICATION NO.179 OF 2025
WITH
INTERIM APPLICATION NO.81 OF 2025
IN
COMMERCIAL APPEAL FROM ORDER NO.3 OF 2023**

Dayal Sukhumal Raghuvanshi	}	Applicant
Vs.		
Mr. Hardasmal Hazarimal Tharwani (deceased) through LRS Partner of M/s Sai Homes & Ors	}	Respondents

**WITH
INTERIM APPLICATION NO.446 OF 2023
IN
COMMERCIAL APPEAL FROM ORDER NO.3 OF 2023**

Mr. Rameshlal Sukhumal Raghuvanshi } & Ors. }		Applicants/ Appellants
Vs.		
Mr. Hardasmal Hazarimal Tharwani } (deceased) through LRS Partner of } M/s Sai Homes & Ors }		Respondents

**WITH
WRIT PETITION NO.14485 OF 2023**

Hardasmal Hazarimal Tharwani & Ors. }		Petitioners
Vs.		
Sunil Hardasmal Tharwani & Ors. }		Respondents

**WITH
INTERIM APPLICATION NO.14448 OF 2024
IN
WRIT PETITION NO.14485 OF 2023**

Hardasmal Hazarimal Tharwani } & Ors }		Applicants/ Petitioners
Vs.		
Sunil Hardasmal Tharwani & Ors. }		Respondents

Mr. Prasad Shenoy I/b Mr. Jayesh Joshi for Appellants/Applicants in Commercial Appeal From Order No.28 of 2023 and Interim Application No.14437 of 2024 and for Petitioners/Applicants in Writ Petition No.14485 of 2023 and Interim Application No.14448 of 2024.

Mr. S. S. Kanetkar for Appellant in Commercial Appeal From Order No.2 of 2023.

Mr. Tejesh Dande a/w Mr. Bharat Gadhavi and Mr. Aniket Shitole I/b Tejesh Dande & Associates for Appellants in Commercial Appeal From Order No.3 of 2023 and for Respondent Nos.1 to 3 in Commercial Appeal From Order No.28 of 2023 and Interim Application No.14437 of 2024 and Writ Petition No.14485 of 2023 and Interim Application No.14448 of 2024.

Mr. Prasad Shenoy a/w Mr. Sujit Lahoti and Ms Tejasvi Kudtarkar and Mr. Aditya Sheth I/b Sujit Lahoti & Associates for Respondent No.2 in Commercial Appeal From Order No.2 of 2023 and Commercial Appeal From Order No.3 of 2023.

Mr. Sunil Gangan a/w Mr. Subham Dudwadkar a/w Mr. S. M. Seegarla I/b RMG Law Associates for Respondent No.3 in in Commercial Appeal From Order No.2 of 2023 and Commercial Appeal From Order No.3 of 2023.

Ms Bhavisha R. Ajvoani for Respondent Nos.4 to 7 in Commercial Appeal From Order No.28 of 2023 and Interim Application No.14437 of 2024 and Writ Petition No.14485 of 2023 and Interim Application No.14448 of 2024.

CORAM: ALOK ARADHE, CJ. & BHARATI DANGRE, J.

DATE: JANUARY 30, 2025

P.C.:

IA/14437/2024 IN COMAO/28/2023:

- 1.** Heard on Interim Application No. 14437 of 2024.
- 2.** This interim application has been filed seeking substitution of legal representatives of appellant no. 1, who expired on 22nd

September 2024. The deceased appellant had executed registered will on 16th January 2023 in favour of his grandsons, namely, Mr. Dhiren Anil Tharwani and Mr. Abhishek Anil Tharwani as legal representatives.

3. Learned counsel for the respondents has opposed the aforesaid prayer.

4. After hearing the learned counsel for the parties and for the reasons assigned in the interim application and taking into account the fact that the order of substitution only enables the parties to continue the proceedings and in the light of the registered will registered in favour of the proposed appellants, we are inclined to allow the application.

5. Accordingly, the interim application is allowed.

6. Let the necessary amendment shall be incorporated in the cause title within two weeks

IA/14448/2024 IN WP/14485/2023:

7. Heard on Interim Application No. 14448 of 2024.

8. This interim application has been filed seeking substitution of legal representatives of petitioner no. 1, who expired on 22nd September 2024. The deceased petitioner had executed registered will on 16th January 2023 in favour of his grandsons, namely, Mr. Dhiren Anil Tharwani and Mr. Abhishek Anil Tharwani as legal representatives.

9. Learned counsel for the respondents has opposed the aforesaid prayer.

10. After hearing the learned counsel for the parties and for the reasons assigned in the interim application and taking into

account the fact that the order of substitution only enables the parties to continue the proceedings and in the light of the registered will registered in favour of the proposed petitioners, we are inclined to allow the application.

11. Accordingly, the interim application is allowed.

12. Let the necessary amendment shall be incorporated in the cause title within two weeks.

IAST/226/2025 IN COMAO/2/2023:

13. Heard on Interim Application (St.) No. 226 of 2025.

14. This interim application has been filed seeking substitution of legal representatives of respondent no. 1, who expired on 22nd September 2024. The deceased respondent had executed registered will on 16th January 2023 in favour of his grandsons, namely, Mr. Dhiren Anil Tharwani and Mr. Abhishek Anil Tharwani as legal representatives.

15. Learned counsel for the respondents has opposed the aforesaid prayer.

16. After hearing the learned counsel for the parties and for the reasons assigned in the interim application and taking into account the fact that the order of substitution only enables the parties to continue the proceedings and in the light of the registered will registered in favour of the proposed respondents, we are inclined to allow the application.

17. Accordingly, the interim application is allowed.

18. Let the necessary amendment shall be incorporated in the cause title within two weeks.

IA/15136/2024 IN COMAO/2/2023:

19. In view of the aforesaid order passed in IAST/226/2025, learned counsel for the applicants in this interim application submits that this interim application does not survive for consideration.

20. The aforesaid statement is placed on record.

21. The interim application is disposed of accordingly.

22. List the appeals and writ petition on **20th February 2025**.

Digitally signed
by JAYANT
VISHWANATH
SALUNKE
Date:
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(BHARATI DANGRE, J.)

(CHIEF JUSTICE)