

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.9923 OF 2025
IN
FIRST APPEAL NO.1961 OF 2007

Narendra Rana
(since deceased) through LR
Mrs. Meena Narendra Rana
& Others .. Applicants.

In the matter between

The Municipal Corporation of
Greater Mumbai .. Appellant.

v/s.
Suresh V. Shah & Another .. Respondents.

Adv. Tamsin Monis, for the Applicants and for legal heirs of Respondent No.2 in FA No.1961 of 2007.

Adv. Pallavi Khale i/b. Adv. Komal Punjabi, for Respondent-BMC in IA No.9923 of 2025.

CORAM: FIRDOSH P POONIWALLA,J.
DATE : 18th SEPTEMBER, 2025.

P C:-

This Interim Application has been filed by the Respondents seeking to bring the legal heirs of one Narendra Rana, who expired on 22nd July, 2008, on record.

2 It is the case of the Respondents that the suit property is owned by Phoenix Industries and Mr. Narendra Rana was one of the

partners of the Phoenix Industries and, therefore, in light of his passing away, the other partners of the Phoenix Industries be brought on record. Accordingly, the Schedule to the Interim Application at page 10 shows the partners to be brought on record in the Appeal.

3 The Interim Application also seeks condonation of delay of 16 years and 129 days in taking out this Interim Application and for setting aside abatement of the Appeal.

4 The learned Advocate appearing on behalf of the Respondent-Corporation has no objection if the legal heirs of late Narendra Rana are brought on record. However, she submits that, since Phoenix Industries was not on record in the original suit, the partners of Phoenix Industries Limited cannot be brought on record as the legal representatives of Mr. Narendra Rana.

5 I have perused the Interim Application. In my view, sufficient cause has been shown for condoning the delay for filing the Interim Application and for setting aside the abatement. Further, in my view, since the suit property is owned by Phoenix Industries, it would be in the interest of all the parties, including the Appellant, and it would also be necessary for effective and complete adjudication of the Appeal that all the legal representatives mentioned in the Schedule to the Interim Application be brought on record.

6 In these circumstances, the Interim Application is allowed in terms of prayer clauses (b), (c) and (d) which read as under:-

“(b) The Appellant be directed to bring the applicants on record by way of an amendment to the First Appeal No.1961 of 2007.

(c) If the Appeal is already abated against the deceased Respondents, the Appeal is restored.

(d) That the delay of 16 years and 129 days in taking out this application be condoned.”

7 The necessary amendments shall be carried out within a period of three weeks from today and a copy thereof served on the other parties.

8 In the facts and circumstances of the case, there shall be no order as to costs.

(FIRDOSH P. POONIWALLA,J.)