

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO. 243 OF 2024
IN
TESTAMENTARY SUIT NO. 22 OF 1990
IN
TESTAMENTARY PETITION NO. 509 OF 1989

Hiren Bipin Maniar & Anr. ...Applicants

Vs.

Bakul Chandulal Mehta ...Respondent

WITH
TESTAMENTARY SUIT NO. 22 OF 1990
WITH
IN PERSON APPLICATION (L) NO. 15980 OF 2023
WITH
INTERIM APPLICATION (L) NO. 10615 OF 2023
WITH
IN PERSON APPLICATION (L) NO. 15892 OF 2023
WITH
TESTAMENTARY SUIT NO. 136 OF 2015
WITH
INTERIM APPLICATION NO. 3649 OF 2024
WITH
NOTICE OF MOTION NO. 2 OF 2019
WITH
CONTEMPT PETITION NO. 2 OF 2018
WITH
IN PERSON APPLICATION (L) NO. 20499 OF 2023
WITH
IN PERSON APPLICATION (L) NO. 16083 OF 2023
WITH
IN PERSON APPLICATION (L) NO. 16990 OF 2023

Mr. Amit Tungare a/w Karthyayani Amblimath i/by Asahi Legal for the Applicant.
Mr. H. B. Takke, AGP for state.

CORAM : ARIF S. DOCTOR, J.
DATE : 25TH FEBRUARY, 2025

P.C.:-

1. The present Interim Application is filed essentially seeking substitution of the Applicants in place and stead of deceased Plaintiff as also consequential prayers for condonation of delay and setting aside abatement of Suit (if any).

2. Mr. Tungare, Learned Counsel for the Applicants points out that the Applicants are both legatees under the said Will of the deceased of which Letters of Administration is sought for. He submits therefore that the Application for amendment is entirely formal in nature and must be allowed in the interest of substantive justice. Mr. Tungare, however, fairly points out that the Respondent has filed an Affidavit-in-Reply to oppose the Interim Application.

3. Given the formal nature of the Application, I was inclined to allow the same. However, since the Respondent has entered appearance and filed an Affidavit-in-Reply, as and by way of last chance, stand over to 4th March, 2025.

4. It is made clear that in the event none appears for the Respondent on the next date, the Court shall take up the Interim Application for hearing.

(ARIF S. DOCTOR, J.)