

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 1606 OF 2025

IN

SUIT NO. 43 OF 2025

Parvez Phiroze Guard

...Applicant /
Original Plaintiff No.1

In the matter between

Parvez Phiroze Guard & Anr.

...Plaintiffs

Versus

Adi Burjorji Siganporia & Ors.

...Defendants

Mr. Rahul Sarda, Mr. S.H. Merchant (Virtual) a/w Mr. Rihal Kazi, Mr. Guru Shanmugam and Ms. Zainab Tinwala i/by M/s Legal Ventures for the Applicant / Org. Plaintiff.

Mr. Vikrant V. Parshurami a/w Mr. Dhairya Thakkar for the Defendant Nos. 1, 2, 3 and 7.

Mr. Satyaprakash Sharma a/w Ms. Harpreet Kaur Sethi i/by Global Juris for the Respondent No. 1 in IA/1676/25.

Mr. Parikshit Pania a/w Ms. Prachi Singh i/by Clove Legal for the Respondent No. 2 (NSDL).

CORAM : R.I. CHAGLA J

DATE : 20 June 2025

ORDER :

1. By Interim Application No. 1606 of 2025, the Applicant /

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original Plaintiff No. 1 has sought permission to carry out the amendment in the Plaint in terms of Schedule 1 to the Interim Application. Further relief is sought for permission to be granted to the original Plaintiff No. 1 to carry out amendment in Interim Application (L) No. 8613 of 2024 (Interim Application No. 1676 of 2025) filed in the present Suit in terms of Schedule 2 to the Interim Application.

2. The Applicant has stated that at the time of filing of the Suit, the Applicants were under the impression and *bona fide* belief that Mrs. Gool Firoz Bam, being the wife of Firoz Nariman Bam, was the only surviving legal heir of Firoz Nariman Bam. Accordingly, the Plaint had proceeded with Mrs. Gool Firoz Bam being the only legal heir of Firoz Nariman Bam and was absolutely entitled to the assets and properties of Firoz Nariman Bam left by him at the time of his death on 14th October 2020.

3. In the Interim Application No. 1676 of 2025, the original Defendant Nos. 1, 2, 3 and 7 have filed Affidavit in Reply dated 7th August 2024 *inter alia* pointing out that Mrs. Mehroo Adi Siganporia was also the legal heir of Firoz Nariman Bam, having survived him.

4. The Applicant has accepted this position viz. that by virtue of Mrs. Mehroo Adi Siganporia surviving Firoz Nariman Bam, she was also a legal heir of Firoz Nariman Bam in addition to the wife of Firoz Nariman Bam, Mrs. Gool Firoz Bam. Accordingly, the Plaintiff is required to be amended in order to the factor in the share of Mrs. Mehroo Adi Siganporia in the Estate of Firoz Nariman Bam. The Applicant has stated that before the Estate of Mrs. Gool Firoz Bam is partitioned, the Applicant is required to seek orders *inter alia* in relation to the Estate of Firoz Nariman Bam.

5. The Applicant has accordingly taken out the present Interim Application seeking amendment in the Plaintiff and Interim Application filed in the Suit.

6. The present Interim Application is not opposed by the Defendant Nos. 1, 2, 3 and 7.

7. I have considered the averments in the Plaintiff as well as the Plaintiff having accepted the statement made by the Defendant Nos. 1, 2, 3 and 7 in the Affidavit in Reply dated 7th August 2024 viz. that Mrs. Mehroo Adi Siganporia is also a legal heir of Firoz Nariman

Bam. Accordingly, the amendment is required to be allowed.

8. In view thereof, Interim Application is allowed in terms of prayer clauses (a) and (b).

9. The Applicant / Plaintiff No. 1 shall carry out amendment in the Plaint in terms of Schedule 1 to the Interim Application as well as in the Interim Application (L) No. 8613 of 2024 (Interim Application No. 1676 of 2025) in terms of Schedule 2 to the Interim Application within a period of two weeks from the date of this order.

10. Re-verification is dispensed with.

11. Amended Plaint and amended Interim Application shall be served by the Applicant on the Defendants.

12. Defendants are permitted to file additional Written Statement within a period of four weeks from the date of service of the amended Plaint.

13. Interim Application is accordingly disposed of.

14. Interim Application No. 1676 of 2025 shall be placed on 7th July 2025, High on Board.

[R.I. CHAGLA J.]