

Sharayu Khot.

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

INTERIM APPLICATION NO. 1615 OF 2025

IN

CONTEMPT PETITION NO. 48 OF 2017

IN

SUIT NO. 863 OF 2015

Vaishali Sanjay Mehta & Ors.

...Applicants /
Legal Heirs

In the matter between

Kanak Babulal Shah (since deceased)

...Petitioner

Versus

Chandrakant Babulal Shah
(deleted since deceased) & Ors.

...Respondents

Mr. Pankaj S. Shah for the Applicants.

CORAM : R.I. CHAGLA J

DATE : 17 June 2025

ORDER :

SHARAYU
PANDURANG
KHOT

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1. By this Interim Application, the Applicants have sought permission to be brought on record as surviving heirs and legal representatives of the deceased Petitioner and to which amendment

of Contempt Petition as per schedule annexed to the Interim Application has been sought.

2. The Applicants have stated that the original Petitioner expired on 15th May 2024 and the death certificate is annexed at Exh.A to the Interim Application.

3. The Applicants state that they are the surviving heirs and legal representatives of the said deceased Petitioner and upon his death, the right to sue survives in their favour and they may be brought on record for prosecuting the captioned Contempt Petition against the Respondents further.

4. Having considered the averments in the Interim Application as well as noting the fact that the Interim Application has been served on the Respondents and inspite of service, they failed to make an appearance and/or file their Affidavit in Reply, the Interim Application is taken up in their absence.

5. The Interim Application has been taken out within the prescribed period of 90 days from the date of death of the original

Petitioner, i.e. 15th May 2024. The Interim Application accordingly, requires to be allowed and the legal heirs and representatives of the said deceased Petitioner require to be brought on record.

6. Accordingly, the Applicants are permitted to amend the captioned Contempt Petition as per the schedule annexed to the Interim Application for bringing them on record in place and stead of the original Petitioner to prosecute the captioned Contempt Petition against the Respondents further.

7. The Applicants shall carry out amendment in the captioned Contempt Petition within a period of two weeks from the date of this order.

8. Interim Application is accordingly, disposed of.

[R.I. CHAGLA J.]