

Sharayu Khot.

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

INTERIM APPLICATION NO. 1707 OF 2025

IN

CONTEMPT PETITION NO. 48 OF 2017

IN

NOTICE OF MOTION NO. 1832 OF 2015

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

SHARAYU
PANDURANG
KHOT

ORDER :

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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 accordingly amend the Interim Application (L) No. 26836 of 2023.

2. The Applicants have stated that the original Petitioner expired on 15th May 2024. The Applicants are the surviving legal heirs and representatives of the deceased Petitioner. It is stated that upon death of the deceased Petitioner, right to sue survives in their favour being the heirs and legal representatives of the deceased Petitioner.

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

4. Interim Application has been filed within the prescribed period of 90 days from the date of death of the original Petitioner, i.e. 15th May 2024.

5. Accordingly, relief sought for in the Interim Application

requires to be granted. Hence, the following order is passed.:-

- (i) The Applicants are permitted to carry out the amendment in the Interim Application (L) No. 26836 of 2023 to bring themselves on record in place and stead of the original Petitioner and which amendment shall be carried out within a period of two weeks from the date of this order.
- (ii) Interim Application is accordingly, disposed of.

[R.I. CHAGLA J.]