

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

INTERIM APPLICATION NO. 1805 OF 2024
IN
SUIT NO. 1260 OF 2007

VIKAS KAPOOR AND ANOTHER)...APPLICANTS
IN THE MATTER BETWEEN
VIKAS KAPOOR AND OTHERS)...PLAINTIFFS

V/s.

VISHWANATH MANJUNATH RAYKAR AND ORS.)...DEFENDANTS
WITH
SUIT NO.1260 OF 2007
WITH
NOTICE OF MOTION NO. 967 OF 2016
IN
SUIT NO.1260 OF 2007

Mr.Nitin Raut a/w. Ms.Krisandra Hegde, Advocate for the
Applicants/Original Plaintiffs.

Mr.Anshul Kochar i/by Mr.Vijay B. Dhingreja, Advocate for the
Defendants no.1 to 5, 8 and 11 to 13.

Mr.U.V.Singh i/by Mr.Anil R. Mishra, Advocate for the Defendant no.15.

CORAM : ABHAY AHUJA, J.

DATE : 23rd DECEMBER 2025

PC. :

1. This Interim Application seeks to bring on record the heirs of the
deceased Plaintiff no.3 and Defendants no.14, 16 and 17 after
condoning delays mentioned in the application.

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2. Mr.Nitin Raut, learned Counsel, appears for the Applicants /Original Plaintiffs and submits that service has been effected on all the Respondents including the legal heirs. The Counsel appearing in the matter on behalf of some of the Defendants have no objection if the Interim Application is allowed.

3. Having heard the learned Counsel and having considered the submissions made in the application, for the reasons contained therein, this Court is of the view that the respective delays be condoned and the application be allowed in terms of prayer clauses (a) to (f) which read thus :

(a) That this Hon'ble Court be pleased to condone the delay of 4799 days in taking out the present Interim Application to delete the name of Defendant no.17;

(b) That this Hon'ble Court be pleased to condone the delay of 2904 days in taking out the present Interim Application to delete the name of Defendant no.14;

(c) That this Hon'ble Court be pleased to condone the delay of 1808 days in taking out the present Interim Application to delete the name of Defendant no.16;

(d) That this Hon'ble Court be pleased to condone the delay of 148 days in taking out the present Interim Application to delete the name of Plaintiff no.3;

(e) That this Hon'ble Court be pleased to set aside the abatement of the Suit, if any;

(f) That this Hon'ble Court be pleased to permit the Applicants to amend the plaint and proceedings in terms of the Schedule being Exhibit "I" hereto;

4. Let the amendments be carried out in the plaint and the proceedings within a period of three weeks and the amended plaint and proceedings be served on the others in two weeks thereafter, and an appropriate Affidavit of service be filed.

5. The Interim Application, accordingly, stands allowed and disposed as above.

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6. List the Suit and the Notice of Motion under the caption 'for directions' on 3rd February 2026.

(ABHAY AHUJA, J.)