

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

INTERIM APPLICATION NO.3584 OF 2024
IN
EXECUTION APPLICATION (L) NO.394 OF 2023

Aruna Suresh Tapas & Anr.	...Applicants
<u>In the matter between</u>	
Prakash Ramkrishna Nigaly and Ors	...Decree Holders
V/s.	
Yash Builders and Paras S. Dedhia	...Judgment Debtors
And	
Krishna Prakash Nigalye and Others	...Proposed Respondents

Mr. Melcolm Siganporia a/w Ms.Kinjal Kakkad, Advocate for the Applicant.

Mr. Ajay Bhise with Ms. Deepali Kedar for Paras Dedhia.

Mr. Manoj Harit i/b Manoj Harit & Co. for the intervenor.

Ms.Vaishali Ugale i/b Ms.Komal Punjabi, Advocate for the BMC.

Ms.Nandini Deshpande, 1st Assistant to Court Receiver, High Court, Bombay.

CORAM : ABHAY AHUJA, J.
DATE : 18th JUNE 2025

PC. :

1. This Application seeks to bring the legal heirs of the deceased Execution Applicant on record.

2. Learned Counsel appears for the two Decree Holders and submits that the Execution Applicant had passed away on 20th August, 2024 and this Application seeks to bring his heirs viz. the wife, the son and the daughter on record.

3. Having heard the learned Counsel and having considered his submissions, this Court is of the view that this Interim Application be allowed in terms of prayer Clause (a), which reads thus :

“a. this Hon’ble Court be pleased to allow the present Application and allow the amendments as sought in Execution Application (L) No. 394 of 2023 and Interim Application No. 374 of 2023 in Execution Application (L) No. 394 of 2023, in terms of the Schedule of Amendments as set out in Exhibits H and I thereto.”

4. Let amendments be carried out within a period of one week and let the amended Execution Application be served on the other side within a week thereafter and an appropriate affidavit of service be filed.

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

Execution Application (L) No. 394 of 2023

6. It is observed that the Execution Application is on lodging number.

7. Let objections to the Execution Application positively be removed and registered number be obtained within a period of two weeks, failing which the Execution Application to stand dismissed without further reference to the Court.

8. Subject to the above, list on **9th July, 2025**.

9. Also subject to the above, the previous injunction/restraint/restrictions to continue till the next date.

10. Further, although this Court had directed the presence of Mr. Paras Dedhia, however, Mr. Bhise, learned Counsel appearing for Mr. Paras Dedhia submits that Mr. Paras Dedhia is unwell as he is hypoglycemic with high blood pressure today and therefore, unable to remain present in Court today. Mr. Bhise, undertakes to file a detailed affidavit in this regard with supporting medical reports within a period of one week.

11. Let Mr. Paras Dedhia positively remain present in Court on the next date, failing which this Court will be left with no option but to secure his presence through the State machinery with orders to follow at his own peril.

(ABHAY AHUJA, J.)