

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

INTERIM APPLICATION NO. 3739 OF 2024
IN
SUIT NO. 791 OF 2016

DARSHAN KAUR AND OTHERS)...APPLICANTS / ORIGINAL
DEFENDANTS NO.2, 3(a) & 3(b)
IN THE MATTER BETWEEN

MR.GULSHAN KUMAR BHASIN)...PLAINTIFF
V/s.

RAJ KUMAR BHASIN AND OTHERS)...DEFENDANTS

Mr.Nimay Dave a/w. Mr.Anosh Sequeira, Ms.Veena Advani, Advocate
for the Applicants/Original Defendants no.2, 3(a) and 3(b).

Mr.Sunny Shah a/w. Mr.Akshay Suresh i/by Ashwin Ankhad &
Associates, Advocate for the Plaintiff.

CORAM : ABHAY AHUJA, J.

DATE : 3rd APRIL 2025

P.C. :

1. After this matter has been heard at length and after Mr.Shah,
learned Counsel for the Plaintiff has almost concluded his arguments,
Mr.Dave, learned Counsel, appearing for the Defendants no.2, 3(a) and
3(b) submits that he is willing to give up the amendment with respect
to the plea of adverse possession.

2. Mr.Dave, accordingly, submits that in the schedule to the application of the proposed amendment at (V) the portion starting from “which possession” in the second line till the completion of the sentence in the third line ending with the words “any other person” be deleted. Mr.Dave also submits that in the second last sentence of the said paragraph the portion starting from the words “without prejudice” till the completion of the sentence with the words “by virtue of adverse possession” be also deleted.

3. Mr.Shah has no objection if the said amendments to the schedule to the Interim Application are allowed.

4. Let the amendments be carried out forthwith.

5. Mr.Shah submits that with these amendments carried out on behalf of the Applicants, the Interim Application can be allowed.

6. Accordingly, the Interim Application stands allowed.

7. Let the amendments to the written statement of the Defendants no.2, 3(a) and 3(b), except the deleted portion, be carried out within a

period of two weeks. Let the amended written statement be served upon the Plaintiff within a period of one week thereafter.

8. Mr.Dave submits that since the Defendant no.3(a) lives in the United States and the Defendant no.2 is extremely aged, this Court may permit re-verification by the Defendant no.3(b).

9. Mr.Shah has no objection if the amended written statement is re-verified by the Defendant no.3(b). Let the re-verification of the amended proceedings be verified by Defendant No.3(b).

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

(ABHAY AHUJA, J.)