

Sharayu Khot.

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

INTERIM APPLICATION NO. 920 OF 2025

IN

EXECUTION APPLICATION NO. 1780 OF 2015

WITH

INTERIM APPLICATION NO. 888 OF 2025

IN

EXECUTION APPLICATION NO. 129 OF 2014

Manan Nipun Thakkar & Anr.

...Applicants

In the matter of

Nipun Thakkar

...Plaintiff

Versus

Mr. Rajen Manharlal Shah & Ors.

...Respondents

Mr. Jehaan Mehta a/w Mr. Dheeraj Patil, Mr. Sanidhya Arora i/by Mr. Dhruvad Patil for the Applicants in all IAs.

Mr. Mukesh Talsania for the Respondent No. 1(b).

Mr. Piyush Shah a/w Mr. Dishang Shah and Mr. Manisha Jain for the Respondent Nos. 5A to 5C.

Mr. Samir B. Pawar for the Respondent No. 6.

CORAM : R.I. CHAGLA J

DATE : 15 April 2025

ORDER :

1. By these Interim Applications, the present Applicants have sought permission to be brought on record as Applicants in the above Execution Applications in their capacity as legal representatives of the deceased Applicant - Nipun Ishwardas Thakkar. The present Applicants are the children of deceased Applicant and executors of the Will of deceased Applicant.

2. There is a preliminary objection which has been raised by the Defendant Nos. 5A to 5D and an Affidavit in Reply has been filed by Defendant No. 5D to oppose the Interim Application. Further, Affidavits in Reply have also been filed by Defendant No. 1B and Defendant No. 6. The Affidavits in Reply are taken on record.

3. The preliminary objection is that the mother of the present Applicants i.e. wife of the deceased Applicant being the legal heir of the deceased Applicant has not filed the present Application.

4. Mr. Jehaan Mehta, the learned Counsel for the present Applicants has stated on instructions that the present Applicants will

file an Affidavit of mother of the present Applicants, i.e. wife of the deceased Applicant giving her consent to the present Applicants seeking their substitution in place and stead of the deceased Applicant.

5. The mother of the present Applicants shall file her Consent Affidavit within a period of one week from the date of this order.

6. Place the above Interim Applications for amendment along with Interim Application No. 274 of 2019 in Execution Application No. 1780 of 2015 and Interim Application No. 275 of 2019 in Execution Application No. 129 of 2014 on 23rd April 2025.

[R.I. CHAGLA J.]