

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

INTERIM APPLICATION (L) NO. 275 OF 2019  
IN  
EXECUTION APPLICATION NO. 129 OF 2014

|                             |                |
|-----------------------------|----------------|
| Nipun Thakkar               | ...Applicant   |
| V/s.                        |                |
| Ramesh Nanlal Shah and Ors. | ...Respondents |

WITH  
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  
WITH  
INTERIM APPLICATION NO. 274 OF 2019  
IN  
EXECUTION APPLICATION NO. 1780 OF 2015

Mr. Rubin Vakil with Ms. Disha Mehta and Ms. Anjali Gupta i/b King Shubb and Kasiva for the Applicants.

Mr. Dishang Shah i/b Mr. Piyush Shah for the Respondents No. 5(a) to 5(d).

Mr. Pratik Shah for Mrs. Vijayaben Nipun Thakkar.

|       |   |                             |
|-------|---|-----------------------------|
| CORAM | : | ABHAY AHUJA, J.             |
| DATE  | : | 24 <sup>th</sup> JUNE, 2025 |

**P.C.** :

Interim Applications No. 920 of 2025 and 888 of 2025

1. Pursuant to the earlier orders of this Court, today when the matter is called out, Mr. Vakil, learned Counsel appears for the mother of the Applicants in both the Applications and submits that the

affidavits filed by the mother viz. Vijayaben Nipun Thakkar, wife of the deceased-Applicant has clearly consented and granted her no objection to the two Applications being allowed to enable her sons – Applicants to be substituted in place and stead of her late husband viz. Nipun Ishwardas Thakkar in the two Execution Applications along with the Applications filed therein.

2. Mr. Shah, learned Counsel appearing for the Respondents No. 5(a) to 5 (d) reiterates his preliminary objection that all the three heirs need to be brought on record.

3. It is observed that the said objection had been considered by this Court (Coram: R. I. Chagla, J.) on 15<sup>th</sup> April, 2025 and thereafter, this Court had directed the filing of the affidavit of the mother of the Applicants viz. the wife of the deceased Execution Applicant, giving her consent to the present Applicants seeking their substitution in place and stead of the deceased Applicant.

4. Today, Mr. Pratik Shah, learned Counsel appears for the mother and conveyed her no objection. As submitted above, the affidavit of Mrs. Vijayaben Nipun Thakkar dated 17<sup>th</sup> April, 2025, also suggests that she has no objection.

5. Accordingly, having heard the learned Counsel and having considered their submissions, this Court is of the view that the two Applications be allowed in terms of the prayer Clauses (b) and (c), which read thus:-

“b. This Hon’ble Court be pleased to permit the Applicants to bring on records Applicants as legal representative of the deceased Applicant i.e. Mr. Nipun Ishwardas Thakkar.

c. This Hon’ble Court be pleased to permit the Applicants to amend the Execution Application and all the proceedings filed therein, if any, in terms of the Schedule annexed hereto.”

6. Let the amendments be carried out within a period of two weeks and let the amended proceedings be served on the others within a period of two weeks thereafter and affidavit of service in that regard be filed.

7. The two Interim Applications are accordingly allowed and disposed as above.

**(ABHAY AHUJA, J.)**