

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

**INTERIM APPLICATION NO. 2323 OF 2025
IN
EXECUTION APPLICATION 74 OF 1988**

Kishor Mohanlal Bhavsar & Ors.	...Applicants
<u>In the matter of</u>	
Nusli Noville Wadia of Bombay	...Plaintiffs
V/s.	
Phirozshah Ardeshir Irani of Bombay & Ors.	...Defendants
And	
Ramadhar Shivsampat Dwivedi & Ors.	...Respondents

Ms. Janvi Joshi with Ms. Poonam Madhwani for the Applicant/Intervenor.

Ms. Rujuta Patil with Ms. Yohaam Shah i/b Negandhi Shah & Himayatullah for the Plaintiffs.

Mr. Pradeep J. Thorat i/b Ms. Aditi Naikare for the Respondents No. 1 to 3.

Ms. Monika Shekhawat i/b Bhavin Bhatia for the Respondent No.15.

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

PC. :

1. When the matter is called out, at the outset Mr. Thorat, learned Counsel appearing for the Respondents No. 1 to 3 in the Application submits that the Interim Application is not maintainable as the Applicants are neither falling under Rule 97 nor Rule 99 of Order XXI of the Code of Civil Procedure, 1908 (the “CPC”).

2. Ms. Joshi, learned Counsel appears for the Applicants and submits that if some time is granted, she will obtain judgments to demonstrate that she is entitled to file an Application under Order XXI Rules 97 and 99 of the CPC.

3. Ms. Patil, learned Counsel appears for the Plaintiffs-Decree Holders and Ms. Shekhawat, learned Counsel appears for the Respondent No.15-Purchaser of the suit property from the Respondents No. 1 to 3 and seek some time to file reply to the Interim Application.

4. Let reply, if not filed already, be filed within a period of two weeks with copy to the other side. Rejoinder(s) in two weeks thereafter.

5. List on **21st August, 2025.**

(ABHAY AHUJA, J.)