

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 3556 OF 2025

WITH

EXECUTION APPLICATION NO. 1780 OF 2015

1(a) Manan Nipun Thakkar and another ... Applicants

In the matter between :

1(a) Manan Nipun Thakkar and another ... Applicants

Versus

Ramesh Nanalal Shah and others ... Respondents

.....

Mr. Rubin Vakil alongwith Ms. Disha Mehta instructed by King Stubb & Kasiva, Advocate for the Applicants.

Mr. Dishang Shah instructed by Mr. P.M. Shah, Advocate for the Respondents No.5(a) to 5(d).

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CORAM : ABHAY AHUJA, J.

DATE : 5 AUGUST 2025

PC. :

1. This matter was kept back in the morning session as Mr. Vakil, learned Counsel appearing for the Applicants was on his legs in another Court.

2. When the matter is called out in the afternoon session, Mr. Vakil, learned Counsel, appears for the Applicants and submits that this Interim Application *inter-alia* seeks to bring on record the heirs of the deceased Defendant No.1 as well as Defendant No.1(b).

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3. Mr. Vakil submits that the application has been served on 17th July 2025 on the proposed Defendants No.1(c), 1(d) and 1(e). Mr. Vakil submits that earlier by orders of this Court dated 12th March 2020 and 24th July 2020, the Defendant No.1(b) was directed to be brought on record in place of the deceased Defendant No.1. That pending the said exercise the Defendant No.1(b) passed away and that therefore this Application has been necessitated to bring the heirs of the deceased Defendant No.1(b) on record as Defendants No.1(c), 1(d) and 1(e).

4. Mr. Shah, learned Counsel, appearing for the Defendants No.5(a) to 5(d) has no particular objection if the Application is allowed.

5. It is also noted that the proposed Defendants have already been served, but not represented today, despite service.

6. Having heard the learned Counsel and having considered their submissions, this Court is of the view that deceased Defendant No.1 be deleted and Defendants No.1(c), (d) and (e) be brought on record as proposed Defendant No.1(b) has also passed away. The Interim Application therefore is allowed in terms of prayer clauses (c), (d) and (e), which read thus :

(c) This Hon'ble Court be pleased to permit the present Applicants to bring on record the proposed

Defendant No.1(c), 1(d) and 1(e) as the legal representative/heirs of the deceased Defendant No.1(b) i.e. Hemlata Shantilal Modi Nee Hemlata Niranjan Shah.

(d) This Hon'ble Court be pleased to permit the Applicants to amend the Execution Application and all the proceedings filed therein in terms of the Schedule annexed hereto.

(e) The Hon'ble Court be pleased to allow the present Applicants to carry out the necessary consequential amendments.

7. Let the amendments be carried out within a period of two weeks and the amended proceedings be served in two weeks thereafter and an appropriate Affidavit of service be filed.

8. The Interim Application is accordingly disposed of.

(ABHAY AHUJA, J.)