

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

INTERIM APPLICATION NO. 6481 OF 2025
IN
SUIT NO. 154 OF 2015

Ahsan Alias Mansur Hasan Khan .. Applicant

IN THE MATTER BETWEEN

Ahsan Alias Mansur Hasan Khan .. Plaintiff

Versus

Salim Hasan Khan & Ors. .. Defendants

Adv. Nandini Y. Deshpande, 1st Assistant to Court Receiver, Adv. Akshay R. Kapadia for the Applicant/Plaintiff.

Adv. Hemant Ingale for Defendant No.1 (thr. V.C).

Adv. Prathamesh Waghmare h/f Adv. Hafeezur Rahman for Applicant.

Adv. Aysh M. i/b D. H. Law Associates for Defendant No.5.

Adv. Sailee Dixit & Adv. Shruti Mehta i/b M/s. Solomon & Co. for Defendant No.3.

CORAM: FIRDOSH P. POONIWALLA, J.

DATE: DECEMBER 9, 2025

P. C.

1. This Interim Application has been filed seeking the following reliefs :

“b) That this Hon’ble Court kindly Abate the Suit against the Defendant No.3 as he is no more and despite communicating to the Attorney and wife of Defendant No.3 no information with regards to the Legal Heirs has been provided in order to take the necessary steps;”

2. It is the case of the Plaintiff that Defendant No.3 passed away on 22nd July 2025. Thereafter numerous correspondence has been addressed to the heirs of Defendant No.3 wherein they have stated that they were not interested in defending the Suit. The Plaintiff has also filed an Affidavit dated 8th December, 2025 wherein it is recorded that an email was addressed to the wife of the deceased Defendant No.3 asking her to share the details of the heirs deceased Defendant No.3 on 2nd December, 2025. On 2nd December, 2025 itself an email has been received from the wife of the Defendant No.3 stating that she did not intend to continue with the case, and her children, who were the other heirs, also did not want to get involved in the case. It is in the light of these facts that the Plaintiff has sought reliefs in terms of prayer (b).

3. Accordingly, for all the aforesaid reasons, the suit stands abated as against Defendant No. 3.

4. Interim Application is disposed of. There will be no order as to costs.

[FIRDOSH P. POONIWALLA, J.]