

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 9596 OF 2025
IN
CIVIL REVISION APPLICATION NO. 636 OF 2013

Kamleshsingh Harnamsingh Chowhan ...Applicant

In the matter between:

Kirit Prabhulal Kapadia (deceased through
legal heirs) ...Ori. Applicants

Versus

Kamleshsingh Harnamsingh Chowhan ...Respondent

Mr. Vivek Kantawala a/w Amey Patil, Mr. Manav Kantawala and Jash Vyas i/b M/s. Vivek Kantawala and Co. for the Applicant/ original Respondent.

Mr. Suresh Kamble for Original Applicants.

Mrs. Nandini Deshpande, 1st Assistant to Court Receiver present.

CORAM : M.M. SATHAYE, J.

DATE : 29th JANUARY 2026

P.C. :

1. Heard learned Counsel for the parties. Perused the record.
2. This is an application taken out by Respondent in Civil Revision Application/landlord praying to set aside the order dated 18.06.2025 passed by the learned Registrar in IA/7329/2025 allowing the legal heirs of Revision Applicant deceased Kirit Prabhulal Kapadia, to be brought on record.
3. It is submitted by learned counsel Mr. Kantawala for the

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Applicant that the learned Registrar, despite reply filed to IA/7329/2025 raising objections about names of married daughters of deceased Kirit, has allowed their names to be brought on record as legal heirs. He submits that only widow Smt. Chandrika should have been brought on record as she is the only person residing in the suit premises at the time of death of the deceased Kirit.

4. Mr. Kamble learned Counsel for the Revision Applicant on the other hand submitted that the order dated 18.06.2025 itself indicates that the present Applicant was duly represented by the Advocate and 'no objections' was given, therefore it is not open for the Applicant to now contend that said application was contested.

5. After hearing learned Counsel for the parties for some time, it appears that the concern is about residence of all legal heirs in the suit premises at the time of tenant's death. This is obviously about transmission of tenancy.

6. Considering that the application was not objected before the Registrar, I do not find it necessary to recall the order dated 18.06.2025. However, it is clarified that the contention of the landlord (Respondent in the Writ Petition) that the married daughters of deceased Kirit are not residing in the suit premises at the time of tenant's death, is kept open to be considered at the time of hearing of the Civil Revision Application.

7. The Interim Application is disposed of in above terms.

(M.M. SATHAYE, J.)