

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5724 OF 2002

Minochar R. Sethna and others ... Petitioners

Versus

Mrs. Silloo Jal Billimoria and others ... Respondents

WITH

INTERIM APPLICATION NO. 716 OF 2026

IN

WRIT PETITION NO. 5724 OF 2002

.....

Ms. Manisha Virkhare alongwith Ms. Trupti Gage instructed by Divya Shah Associates, Advocate for the Petitioners.

Mr. G.H. Kelaskar, Advocate for the Respondents No.1 and 2.

.....

CORAM : ABHAY AHUJA, J.

DATE : 28 JANUARY 2026

P.C. :

Interim Application No.716 of 2026 :

1. This Interim Application seeks to delete the name of Petitioner No.2 and add the name of the new trustee as Petitioner No.2A in the array of parties, as that the Petitioner No.2 has passed away.

2. Ms. Virkhare, learned Counsel, appears for the Petitioners and submits that the Petitioners being the trustees of Municherji Bomanji Saith's Fire Temple Trust, have filed the Writ Petition being aggrieved by Judgment and Order dated 15th/16th October 2001 passed by the

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Appellate Bench of the Small Causes Court at Bombay in Appeal No.425 of 2000 arising out of R.A.E. Suit No. 1927 of 1993, seeking to quash and set aside the impugned Judgment and Order and for restoration of the Judgment and Decree dated 3rd March 2000. It is submitted that during the pendency of the Petition, the Petitioner No.2 has passed away and that the earlier Advocate has been elevated as Judge of this Court.

3. Ms. Virkhare draws this Court's attention to paragraphs 2 to 8 of the Application and submits that for the reasons as mentioned in paragraphs 2 to 8, the delay of 271 days in filing of the present application be condoned and amendment as per the schedule seeking deletion of Petitioner No.2 and addition of trustee as Petitioner No.2A be allowed.

4. Mr. Kelaskar, learned Counsel, appears for the Respondents No.1 and 2 and submits that he has no objection if the Application is allowed.

5. Having heard the learned Counsel and having considered their submissions and for the reasons mentioned at paragraphs 2 to 8 in the Application, the Interim Application is allowed in terms of prayer clauses (a) and (b), which read thus :

(a) this Hon'ble Court be pleased to allow the amendment in the aforesaid Petition in terms of Schedule annexed hereto.

(b) this Hon'ble Court be pleased to condoned the delay of 271 days.

6. Let the amendments as per schedule be carried out within a period of two weeks, and the amended Petition be served on the Respondents and an appropriate affidavit of service be filed in this regard by the next date.

7. Reverification is dispensed with.

8. The Interim Application stands allowed and disposed as above.

9. List the Writ Petition for hearing on **11th March 2026**.

(ABHAY AHUJA, J.)