

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1124 OF 1996

Ranbir Sen Mehra

(Since Deceased through heirs) & Ors.

.. Appellants

V/s.

Budhan Khan (Since Deceased through heirs & legal
representatives) And Ors.

.. Respondents

WITH
CIVIL APPLICATION IN FIRST APPEAL NO. 3868 OF 2019
IN
FIRST APPEAL NO. 1124 OF 1996
WITH
INTERIM APPLICATION NO. 2801 OF 2026
IN
FIRST APPEAL NO. 1124 OF 1996
WITH
INTERIM APPLICATION NO. 2802 OF 2026
IN
FIRST APPEAL NO. 1124 OF 1996
WITH
INTERIM APPLICATION NO. 676 OF 2026
IN
FIRST APPEAL NO. 1124 OF 1996
WITH
INTERIM APPLICATION NO. 2800 OF 2026
IN
FIRST APPEAL NO. 1124 OF 1996

Mr. Kayval Prafulla Shah for Appellants/Applicants.

Ms. Pallavi Khale i/b Ms. Komal Punjabi for Respondent – BMC.

Mr. Abhishek Patil for Respondent no. 1(c).

Mr. G. S. Vaidya for Respondent no. 2(i)

CORAM : FARHAN P. DUBASH, J.

DATE : 15th APRIL 2026

P.C.:

CIVIL APPLICATION IN FIRST APPEAL NO. 20 OF 2018

1. Subject to the Applicant depositing a sum of Rs. 10,000/- with the Appellate Side Law Library - Kirtikar Law Library, on or before 22nd April 2026, time for the Applicant to carry out the necessary amendment as per order dated 9th July 2018 is extended and the same shall be carried out, on or before 30th April 2026.

2. Amended copy of the First Appeal shall be served within two weeks of the amendment on all the parties and an Affidavit-of-Service to that effect shall also be filed, on or before the next date.

INTERIM APPLICATION NO. 2801 OF 2026

3. The present Interim Application has been filed by the Applicant who is the original Appellant. By this Interim Application, they seek an order permitting them to serve Respondent nos. 2(a) to 16(c) through substituted service by publishing a public notice in the newspaper.

4. Upon perusal of the Interim Application, this Court is satisfied with the averments made therein and accordingly the Interim Application is allowed in terms of the following order:

::ORDER::

(i) The Applicant is permitted to serve Respondent nos. 2(a) to

16(c) through substituted service by publishing a public notice in two newspapers, one in english language and another in vernacular language having wide circulation in the last known addresses of Respondent nos. 2(a) to 16(c) and an Affidavit-of-Service to that effect shall be filed, on or before the next date, returnable on 6th May 2026.

- (ii) The present Interim Application is disposed of in terms of the above order with no order as to costs.

INTERIM APPLICATION NO. 2802 OF 2026

5. The present Interim Application has been preferred by the Applicant who seeks to bring on record the heirs and legal representatives of Respondent no. 2 who is stated to have passed away.

6. In paragraph 3 of the said Interim Application, the Applicant has stated that he is not aware of the exact date of demise of Respondent no. 2 and is aware of the fact of his demise only through other legal proceedings, the details whereof which are annexed to this Interim Application.

7. Having perused the Interim Application and considering the averments made therein, this Court is of the opinion that the present Interim Application is deserves to be allowed and accordingly, the following order is passed:

::ORDER::

- (i) The Applicant is permitted to implead Respondent no. 2(i) in the array of parties to the present First Appeal in place and stead of the deceased – Respondent no. 2.
- (ii) This amendment shall be carried out, on or before 22nd April 2026.
- (iii) Re-verification is dispensed with.
- (iv) The present Interim Application is disposed of in terms of the above order with no order as to costs.
- (v) Amended copy of the First Appeal shall be served within two weeks of the amendment on all the parties and an Affidavit-of-Service to that effect shall also be filed, on or before the next date.

INTERIM APPLICATION NO. 2800 OF 2026

8. The present Interim Application has been filed by the Applicants who seek to bring on record the heirs and legal representatives of deceased – Appellant no. 1 who is stated to have passed away on 16th July 2024.

9. Having perused the averments made in the Interim Application, this Court is satisfied that the same is required to be allowed and accordingly the following order is passed:

::ORDER::

- (i) The Applicants are permitted to implead Applicant nos. 1 and 2 in place of the deceased – Appellant no. 1.
- (ii) This amendment shall be carried out within one week.
- (iii) Re-verification is dispensed with.
- (iv) The present Interim Application is disposed of in terms of the above order with no order as to costs.
- (v) Amended copy of the First Appeal shall be served within two weeks of the amendment on all the parties and an Affidavit-of-Service to that effect shall also be filed, on or before the next date.

10. Stand over to **6th May 2026**.

(FARHAN P. DUBASH, J.)

Shubham Gadhavepatil