

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

INTERIM APPLICATION NO. 2480 OF 2025
WITH
INTERIM APPLICATION NO. 7439 OF 2025
IN
SUIT NO . 781 OF 2009

Homai Desai ... Applicant/Plaintiff No.2

In the matter between
Shernaz P. Poonekar

... Plaintiff

V/s.
Adi alias Ardeshir Dinshaw Irani
And
Pradip Digambar Poonekar & Anr.

... Defendants

... Respondents

Adv.. Cherag Bulsara a/w. Adv. Avinash Joshi i/b. Mulla & Mulla for Applicant.
Adv. Noorain Patel for Respondent i/b. Diamondwala & Co.
Adv. Alisha Lambay i/b. Adv. Nerissa Almeida for the Defendant.

CORAM : FARHAN P. DUBASH, J.

Date : 19th JANUARY 2026

P. C. :

Interim Application No. 2480 of 2025

1. The present Interim Application seeks to set aside the abetment of the suit and also seeks condonation of delay of 83 days in taking out the present Interim Application for amendment thereof to implead the legal heirs and representatives of deceased Plaintiff No.1 and bring on record Plaintiff

Nos. 1A and 1B in his place and stead.

2. By consent, the Interim Application is allowed in terms of prayer
Clauses a, b and c which are set out hereunder;

- a. Abetment if any be set aside;*
- b. Delay of 83 days in taking out present Interim Application be condoned;*
- c. The Applicant/Plaintiff be permitted to amend the paper and proceedings as per schedule annexed hereto;*

3. Amendment shall be carried out on or before 23rd January 2026.
Re-verification is dispensed with. A copy of the amended plaint shall be filed
and served on all the parties on or before 28th January 2026. Affidavit-of-
Service to that effect shall be filed on or before the next date.

4. Stand over to 28th January 2026 for hearing.

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5. Considering the fact that the Plaintiff has been permitted to
amend the Suit by impleading the heirs of original Plaintiff No.1 who has
since passed away, by consent the Plaintiff is also permitted to amend the
cause title of the Interim Application and add the names of Plaintiff Nos. 1A
and 1B in place and stead of Plaintiff No.1, within the same timeline as
mentioned above.

(FARHAN P. DUBASH, J.)

Mandar M.