

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

INTERIM APPLICATION NO. 1921 OF 2025

IN

SUIT NO. 615 OF 2016

Hemalata Dattaram Chalke & Ors. ...Applicants/Plaintiffs

Versus

Sushilkumar Kesarinath Sawe & Ors. ...Defendants

Mr. Yashodhan Divekar a/w Mr. Sandeep Wankhede i/b Divekar & Co., for the
Applicants/Plaintiffs.

Mr. Shivanand Mishra, for Defendant No.1.

CORAM : ARIF S. DOCTOR, J.

DATE : 11th FEBRUARY, 2026

P.C.

1. The Applicants, by way of the present Interim Application, seek to be impleaded as Plaintiffs in the Suit.

2. Mr. Divekar, learned counsel for the Applicants points out that the original Plaintiff namely Sushilkumar Kesarinath Sawe, passed away without leaving any legal heirs. The Applicants are the children of the brother of the father of the Applicant and, in the capacity as agents, have filed the present Interim Application and would thus be entitled to be impleaded as party Plaintiffs in place of the deceased Sushilkumar Kesarinath Sawe.

3. Mr. Mishra, learned counsel for Defendant No.1 does not deny the relationship. He, however, submits that the father of the Applicants was disinherited by the will of Moreshwar Sawe. He, therefore, submits that the

Applicants could never lay claim to any of the properties or estate of the late Mr. Moreshtar Sawe. When it was put to him as to how this would preclude the impleadment, learned counsel fairly submitted that it would not. However, all rights and contentions with regard to the Applicants' merit and entitlement in the suit can be kept open and the Interim Application can be allowed.

4. Thus, the Interim Application is allowed in terms of prayer clause (a), which reads thus:

"(a) The Applicants be permitted to amend the present Plaint in Suit No. 615 of 2016 in terms of the schedule annexed hereto;"

5. Amendment to be carried out within a period of two weeks from today. Amended copy to be served on all concerned. All rights and contentions of the Defendants are expressly kept open.

6. Mr. Mishra at this stage also informed me that Defendant No.2 has passed away. He is permitted to take further steps.

7. Needless to state that the Plaintiffs shall also be permitted to make any consequential amendments in the pending proceedings.

8. The Interim Application is accordingly disposed of.

[ARIF S. DOCTOR, J.]