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

INTERIM APPLICATION NO. 5750 OF 2025

IN

SUIT NO. 694 OF 2012

Gita Vikram Kothari & Anr.

... Applicants

V/s.

Prabodh Jamnadas Kothari & 7 Ors.

... Respondents

WITH

INTERIM APPLICATION (L) NO. 35374 OF 2024

IN

NOTICE OF MOTION (SUITS) NO. 775 OF 2012

Mr. Shanay Shah a/w. Ms. Aditi Bhat, Ms. Gauri Joshi i/b. M/s. Ganesh & Co.
for Plaintiff.

Mr. Kazan Shroff a/w. Mr. Darshil Desai i/b. M/s. Makarand Gandhi & Co. for
Applicant/Defendant Nos. 2 & 3.

CORAM : FARHAN P. DUBASH, J.

DATE : 4th FEBRUARY 2026

P. C.:

1. Mr. Shanay Shah, learned Counsel appears on behalf of the Plaintiffs/Respondents. He points out that as more particularly directed in the order dated 6th January 2026, his client has executed the necessary Deed of Cancellation dated 17th January 2026 with Mr. Nimesh Chunilal Nagda.

The said original Deed of Cancellation is produced in Court. After perusal, the original Deed of Cancellation is returned to the Plaintiff for the purpose of registration and a photocopy (marked 'X' for identification) is retained on the record of this Court. Mr. Shah, on instructions of his client, undertakes to have the same registered on or before 16th May 2026. He states that his client is presently in the United States of America and that some time is required for the same. Accordingly, time until 16th May 2026 is granted and the undertaking to that effect recorded above, is accepted.

2. Mr. Shah, on instructions, further states that :

i) Possession of the land situated at Kutch, Gujarat which is the subject matter of the Deed of Cancellation is with his clients and in fact, it was never handed over to Mr. Nimesh Chunilal Nagda.

ii) In the revenue records, the said piece of land stands in the name of deceased Mr. Jamnadas Khimji Kothari and the same was never transferred in the name of Mr. Nimesh Chunilal Nagda.

3. Both the above statements are noted and accepted by this Court. Pursuant to execution of this Deed of Cancellation, Mr. Shah

states that Mr. Nimesh Chunilal Nagda has also handed over the original Deed of Conveyance dated 19th March 2024 to his clients. The same is produced in Court today and also inspected by Mr. Kazan Shroff, learned Counsel who appears on behalf of the Applicant/Defendant Nos. 2 and 3.

4. Considering the above order, Mr. Shroff will take instructions from his clients and consider the withdrawal of criminal proceedings that have been initiated against the Plaintiff and Defendant Nos. 14 and 15 in respect of the transfer of the land situated at Kutch, Gujarat in favour of Mr. Nimesh Chunilal Nagda.

5. Interim Application No. 5750 of 2025 has already been disposed of in terms of the order dated 16th October 2025. Considering this, no further orders are now required to be passed in this Interim Application.

(FARHAN P. DUBASH, J.)

Ajay Jadhav