

IN THE COURT OF SMALL CAUSES AT MUMBAI

ORDER BELOW EXHIBIT 9

IN

REVIEW APPLICATION NO.4 OF 2025

IN

R.A.E. SUIT NO.154/250 OF 2001

Jagdishkumar Ottermal Jain

... Applicant

Versus

1) Shri Ravindra Murlidhar Kalekar and another ... Respondents

Coram : Mahesh T. Patankar

Judge, C.R. No.13

Date : 25.02.2026

ORDER :

This is an application filed by applicant for amendment of Review Application to bring the heirs and legal representatives of deceased respondent No.1 on record.

2. Proposed respondent Nos.1(a) and 1(b) have filed reply at Exhibit 14. Respondent No.2 has raised objection for allowing the application.

3. Ld. Advocate for applicant argued that respondent No.1 (original plaintiff) died on 15.02.2025 leaving behind proposed respondent Nos.1(a) and 1(b) as his only legal heirs. Therefore, now they are required to be added as party to this Review Application.

4. Respondent No.2 came to know about his death only after the intimation by these proposed respondents given in Execution proceeding. Thereafter applicant met with an accident and was bed-ridden. Hence, delay is caused.

5. On the other hand, Ld. Advocate for proposed respondents has submitted that there is no sufficient cause for inordinate delay. The Review Application is not maintainable. Therefore, this application may be rejected.

6. It is pertinent to note that death of respondent No.1 (original plaintiff) on 15.02.2025 has not been disputed. It is also undisputed that the proposed respondent Nos.1(a) and 1(b) are the legal heirs of respondent No.1. This application is filed on 30.10.2025. It is alleged that this application is within limitation from the date of intimation and that applicant has suffered accident and was bed-ridden and therefore, delay has been caused. In support, he has attached medical papers at Annexure I which corroborates said fact of applicant suffering the accident and being under treatment from 23.07.2025 till 19.09.2025. Therefore, in my view, delay does not seem deliberate. It is always better to decide the controversy on merits without banking upon the technicalities. Hence, in result, I pass following order.

ORDER

1. Application is allowed.
2. Applicant is permitted to carry out proposed amendment of bringing the legal heirs of respondent No.1 on record as per schedule attached to this application on or before next date.

Mumbai
Date : 25.02.2026

(Mahesh T. Patankar)
Judge, C. R. No.13