

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 531 of 1986****With****R/FIRST APPEAL NO. 1093 of 1987****With****CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2009****In R/FIRST APPEAL NO. 1093 of 1987****With****R/MISC. CIVIL APPLICATION NO. 2233 of 2024****In****R/FIRST APPEAL NO. 1093 of 1987****With****R/MISC. CIVIL APPLICATION NO. 2232 of 2024****In****R/FIRST APPEAL NO. 531 of 1986**

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HOUSE OF DUBARY & ORS.**Versus****THE OFFICER LIQUIDATOR OF HANSPA KNIT (P) LTD., & ORS.**

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Appearance:**ABATED for the Appellant(s) No. 2****MR C B UPADHYAYA(3508) for the Appellant(s) No. 3,4****MR ND NANAVALI(507) for the Appellant(s) No. 1****MR ABHIJIT P JOSHI(1330) for the Defendant(s) No. 1****MR PRANAV G DESAI(290) for the Defendant(s) No. 6****MR SH SANJANWALA(729) for the Defendant(s) No. 7****MS PJ DAVAWALA(240) for the Defendant(s) No. 1****NOTICE NOT RECD BACK for the Defendant(s) No. 2,3****NOTICE SERVED for the Defendant(s) No. 4,5,8**

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CORAM:**and****HONOURABLE MR.JUSTICE SANJEEV J.THAKER****Date : 20/12/2024****ORAL ORDER****(PER : HONOURABLE MS. JUSTICE SANGEETA K. VISHEN)**Order in Misc. Civil Application Nos.2233 of 2024 with Misc. Civil Application no.2232 of 2024:

1. Mr Aman Mir, learned advocate submitted that the captioned application has been necessitated seeking setting aside of the abatement as recorded in the order dated 19.04.2022. It is submitted that a statement was made before this Court that the applicant – original appellant no.2 has passed away. Steps were to be taken for the purpose of bringing the heirs of the applicant – original appellant no.2 on the record. It is submitted that vide order dated 19.04.2022, the Hon'ble Division Bench, was pleased to pass

an order stating that the appellant no.2 in First Appeal no.531 of 1986 having expired and the legal heirs having not been brought on the record as well as the First Appeal no.1093 of 1987 wherein the appellant no.2 was the second respondent, are abated. It is submitted that in fact, the applicant – appellant no.2, is still alive and is residing at United Kingdom who, is also personally present before this Court.

2. As has been stated by Mr Aman Mir, learned advocate before this Court that the applicant – original appellant no.2 Shankar Darbari is personally present before this Court. Even the original driving license of Mr Shankar Darbari is placed on record. Mr Aman Mir, learned advocate has also provided the copy of the British Passport of Mr Shankar Darbari.

3. Mr Param Dave, learned advocate for Mr C. B. Upadhyaya, learned advocate submitted that as the instructions were received from the real brother of the applicant – original appellant no.2 that the statement was made before this Court. Mr Param Dave, learned advocate urges for some time so as to file appropriate reply in the application.

4. Acceding to the request, list the matter on 08.01.2025.

(SANGEETA K. VISHEN,J)

(SANJEEV J.THAKER,J)

RAVI P. PATEL