

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6140 OF 2016

Gaurishankar Govardhandas Todi (Since Deceased) Through legal heirs Pramod Gaurishankar Todi and Ors. .. Petitioners

Versus

Prabhavati Ramniklal Shah (Since Deceased) Through Pratibha Shailesh Shah and Ors. .. Respondents

WITH

WRIT PETITION NO.6141 OF 2016

WITH

WRIT PETITION NO.6169 OF 2016

.....

- Mr. Kalpesh Rajendra Jain - Petitioner No.2 present in-person.
- Mr. Pravin Samdani, Senior Advocate a/w. Mr. Aditya Shiralkar, Mr. Mani Thevar and Mr. Atharva Utekar, Advocates i/by M/s. Ganesh & Co. for Respondent Nos.1(a) to 1(c).
- Mr. Nimesh Bhatt, Advocate for Respondent No.2.

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CORAM : MILIND N. JADHAV, J.

DATE : JULY 21, 2025

P.C.:

1. Heard Petitioner No.2 in-person; Mr. Samdani, learned Senior Advocate for Respondent s.1(a) to 1(c) and Mr. Bhatt, learned Advocate for Respondent No.2.

2. One Mr. Rajendra Hamirmal Jain and his son Mr. Kalpesh Rajendra Jain have appeared before me when Writ Petitions are called out for hearing Kalpesh Rajendra Jain is Petitioner No.2. They both would submit that even though they are aware that Writ Petitions are listed for final hearing, they would submit that their Advocate has

refused to appear in this Court for them. They would submit that they have prepared written complaint on behalf of Petitioners dated 17.07.2025 giving reasons as to why this Court should not hear the Petitions.

3. *Prima facie*, when the said submissions are read, the allegations made against the Court are extremely serious. In fact when the allegations are read further allegations are made to initiate criminal prosecution against not only this Court but also the previous Court which has passed orders for hearing and listing of the present Petitions in April and May – 2025.

4. Copy of the said complaint is submitted to the Hon'ble the Chief Justice as informed by Mr. Kalpesh Rajendra Jain. I direct the complaint copy which is given to me today be placed before the Registrar General of this Court for taking appropriate action against the said persons namely Mr. Rajendra Hamirmal Jain and his son Mr. Kalpesh Rajendra Jain in accordance with law.

5. Be that as it may, a request is made by both persons to adjourn the matters to enable them to engage another lawyer. Both of them would inform the Court that they shall engage a new lawyer within a period of two weeks from today. In the meanwhile, the action that would have to be taken against them shall not wait and Registrar General is directed to take appropriate action in accordance with law

on the basis of the allegations contained in the letter dated 17.07.2025 or make an appropriate report to this Court.

6. Mr. Samdani, learned Senior Advocate appearing for the contesting Respondents has vehemently opposed to the adjournment to be granted to Petitioners. He would submit that conduct of those appearing on behalf of Petitioners is documented by this Court in the previous orders passed by this Court and therefore time and again repeated requests are made and they do not want the matters to be heard finally and enjoy the interim order passed by the Court earlier.

7. Today when the Advocate for Petitioners is not present and a request is made to the Court by Petitioner No.2 and his father, I am inclined to give one final opportunity to Petitioners to engage a new Advocate so that the Petitioners' side can be placed before the Court. However, the Petitioners are informed that no further adjournment shall be granted in the Writ Petitions considering the previous orders passed by this Court as the Petitions will be heard on their own merits.

8. A plea is made by the aforesaid two persons to continue to the ad-interim relief granted by this Court till then. Before continuing ad-interim relief, I would like to know who the two gentlemen before me today representing and espousing the cause of Petitioners are. Hence, I have asked the question to both of them. Both the gentlemen would inform the Court that they are successors-in-title. Mr. Samdani

would immediately assist the Court and inform that Mr. Kalpesh Rajendra Jain is Petitioner No.2 who is the purchaser of the plot from the original Todi family members.

9. Be that as it may, that will be considered when the Petitions are heard finally by this Court strictly on merits. For the present the ad-interim / interim relief granted earlier shall be continued only for a period of two weeks from today.

10. Mr. Kalpesh Rajendra Jain has misbehaved with the Court by informing the Court that Petitions were mentioned behind his back by Respondents for listing. However, I find from the record that it is not so and Petitions were itself adjourned to 20.06.2025 on by order dated 09.05.2025 (by the previous Court).

11. Petitions were listed before this Court on 07.07.2025 and mentioned by Petitioners on 09.07.2025 and appropriate orders were passed.

12. Be that as it may, as a last and final opportunity the aforesaid order is passed and no further excuse for further adjournments on behalf of Petitioners shall be entertained by this Court considering that Petitions are to be heard as per the current roster of this Court.

13. Stand over to **04th August, 2025.** To be listed under the caption '**First on Board**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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