

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

INTERIM APPLICATION (L) NO.1531 OF 2023
IN
COMMERCIAL EXECUTION APPLICATION (L) NO.39614 OF 2022

NEELAM KULDEEP AHLUWALIA)...APPLICANT

IN THE MATTER BETWEEN

NEELAM KULDEEP AHLUWALIA)...DECREE HOLDER

V/s.

TAJENDER SINGH AHLUWALIA AND ANR.)...RESPONDENTS

Mr.Neel Kothari a/w. Mr.Murtuza Bohra i/by Agarwal & Dhanuka Legal,
Advocate for the Applicant.

Mr.Mangesh Parte, Advocate for the Respondents No.2A and 2B – Legal
heirs of Respondent no.2.

CORAM : ABHAY AHUJA, J.

DATE : 10th OCTOBER 2024

PC. :

1. Pursuant to order dated 22nd August 2024, today when the matter is called out, Mr.Kothari, learned Counsel, appears for the Applicant and tenders across the bar an additional affidavit dated 9th October 2024 as directed by this Court to be filed with respect to the correct factual position relating to the death of Mr.Sukhjot Singh and the signing of the release deed in respect of the two properties in question.

2. Mr.Parte, learned Counsel, appears for the legal heirs of the Respondent no.2 and submits that he has just received a copy of the said additional affidavit and seeks some time to take instructions in the matter.

3. Let a copy of the additional affidavit dated 9th October 2024 be served on the Respondent no.1 within a period of two weeks.

4. Mr.Kothari for the Applicant submits that another Interim Application being Interim Application (L) No.29986 of 2024 is taken out to bring the legal heirs of the deceased Respondent no.2 on record, which is not on board. The said Interim Application is taken on board. Since Mr.Parte appears for the legal heirs of the deceased Respondent no.2, the Interim Application is allowed in terms of prayer clause (a) which reads thus :

“(a) That the Applicant be permitted to carry out amendment, as provided under “Schedule – A” of this present Interim Application, and implead the Respondent No.2A to 2C herein in Execution Application (L) No. 39614 of 2022 in the place and stead of Respondent no.2 therein and also, in the Interim Application (L) No.1531 of 2023.”

5. Let the amendment to the Execution Application and the Interim Application (L) No.1531 of 2023 be carried out as per the Schedule – A at page 12 within a period of one week and the amended Execution Application and Interim Application be served upon the Advocate for the legal heirs of the deceased Respondent no.2.
6. The Interim Application (L) No.29986 of 2024, accordingly, stands allowed and disposed as above.
7. List the Interim Application (L) No.1531 of 2023 on **28th November 2024**.

(ABHAY AHUJA, J.)