

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

INTERIM APPLICATION (L) No.2635 OF 2026
IN
EXECUTION APPLICATION (L) NO.1036 OF 2013

Darshan Bharat Dalal ...Applicant
Versus
Girdharlal Nathubhai Dalal & Ors. ...Respondents

Mr. Malcolm Siganporia a/w Mr. Karl Tamboly & Mr. Ashutosh Agarwal i/b Parinam Law Associates, for the Applicant in IA(L) No.2635/2026.

Ms. Jahn timer Vora i/b Yashpal Jain, for Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.

DATED: 26 February 2026

PC:-

1. At the outset, Mr. Siganporia, learned Counsel appearing for the Applicant, seeks leave to replace Exhibit-B-1, as incorrect death certificate is annexed. Accordingly, the said leave is granted. Amendment be carried out forthwith.

2. Heard Mr. Siganporia, learned Counsel appearing for the Applicant and Ms. Vora, learned Counsel appearing for the Respondent No.2.

3. The Interim Application has been taken out seeking prayer to permit the Applicant to carry out the necessary amendment as per the schedule which is at Exhibit-I and for condonation of delay. The said schedule at Exhibit-I (Page Nos.65 and 66), reads as under :-

“Exhibit "I”

SCHEDULE

1. **In the title of the Execution Application, delete the name of Girdharial Dalal and add the following :**
 - IA. Mr. Chetan Dalal
In is capacity as the purported Representative of the Estate of Late Mt. Girdharlal Dalal
Having his address at 14, Pemino, 1B, Altamount Road, Mumbai-400125 Without prejudice to all rights and contentions of the Claimant in Testamentary Petition No.871 of 2018 and Testamentary Suit No.46 of 2018
2. **In column B of the Execution Application, delete the name of Girdharlal Dalal and add the following :**
 - 1A. Mr. Chetan Dalal
In his capacity as the purported Representative of the Estate of Late Me Girdhartal Dalai
Having his address at 14, Pemino, 1B, Altamount Road, Mumbai-400026 Without prejudice to all rights and contentions of the Claimant in Testamentary Petition No.871 of 2018 and Testamentary Suit No. 46 of 2018
3. **In column B of the Execution Application, delete the name of Aruna Maneck (Respondent No.6) and add the names of :**

- 6A. Dr. Bharat Manek
601 Radhakrishna Kunj, 9^a Cross Road,
Chembur, Mumbai-400071
- 6B. Mr. Rahul Manek
601 Radhakrishna Kunj, 9 Cross Road.
Chembur, Mumbai-400071
- 6C. Mr. Hardik Manek
5 Melbourne House, 50 Kensington Place,
London, W8 7PW

4. In column B after the last sentence, add the following :

Respondent No.1 passed away on 19 January 2017. A copy of his death certificate is annexed hereto as Exhibit VI. Mr. Chetan Dalal purports to be the representative of the Estate of Late Mr. Girdharlal Dalal on the basis of alleged Will and Testament dated 21st May 2012 alongwith alleged codicils dated 11th September 2015 and 8th November 2016. The Applicant verily believes that Mr. Chetan Dulal intermeddled with the Estate of Late Mr. Girdhartal Dalal as well as the Estate of the Judgment Debtor. Mr. Chetan Dalal is added as a party to the execution proceedings without prejudice to all rights and contentions of the Applicant in pending Testamentary Proceedings viz. Testamentary Suit No. 1812 of 2017 (filed by Mr. Chetan Dulal seeking the probate of the alleged Will and Testament dated 21 May 2012 along with alleged codicils dated 11th September 2015 and 8th November 2016) and Testamentary Petition No. 871 of 2018 (filed by Late Bharat Dalal seeking the probate of the Last Will and Testament dated 24th September 1994). This position has also been clarified by the Hon'ble High Court in Orders dated 14 August 2017, 21st October 2021 and 16th November 2022, which are annexed hereto as **Exhibits V2 to V4**.

Respondent No. 6 passed away intestate on December 23, 2023, the Applicant craves leave to refer to and rely upon

such documents as deemed necessary as and when produced in this regard. Respondent Nos.6A to 6C are the legal heirs of Mrs. Aruna Maneck as known to the Applicant and have been brought on record pursuant to her demise. Any reference to Respondent No. 6 shall mean Late Mrs. Aruna Bharat Maneck.

5. Consequential Amendments.”

4. Mr. Siganporia, learned Counsel appearing for the Applicant submitted that the Respondent No.1 - Girdharlal Nathubhai Dalal passed away on 19th January 2017. However, the proceedings arising out of orders passed in this Execution Application were pending in the Supreme Court and, therefore, this application was not filed earlier. On the other hand, Ms. Vora, learned Counsel appearing for Respondent No.2 strongly opposes the Application.

5. It is required to note that the Execution Application (Lodging) No.1036 of 2013 has been filed seeking execution of award dated 12th July 2010. A Suit has been filed bearing Suit No.470 of 2013 in this Court for a declaration that the said arbitral award dated 12th July 2010 is a nullity. A learned Single by order dated 18th December 2014 passed in this Execution Application held that, execution must proceed and notice under Order 21 Rule 23 of Code of Civil Procedure should be issued. However, the said

order was challenged by filing Appeal No.320 of 2015 and Appeal No.372 of 2015 before the Division Bench of this Court and the Division Bench by order dated 06th March 2020 admitted the Appeal and stayed the order dated 18th December 2014 passed by the learned Single Judge. The said order of the Division Bench of this Court has been challenged by the present Execution Applicant i.e. Award Holder in the Supreme Court. The Supreme Court by judgment and order dated 28th November 2025 passed in Civil Appeal Nos.1026-1027 of 2019 set aside the order of Division Bench. The operative part of order dated 28th November 2025 of the Supreme Court is in Paragraph No.22, which reads as under :-

“22. In view of foregoing discussion, impugned orders dated 06.03.2018 passed by the Division Bench of the High Court of Bombay in Letters Patent Appeals, namely Appeals No.320 and 372 of 2015 are quashed and set aside. The aforesaid Letters Patent Appeals are dismissed as not maintainable. In order to restore the execution proceeding to the track mandated by the CPC, as well as in the facts and circumstances of the case, we deem it appropriate to issue following directions :-

(i) The learned Single Judge in Execution Application (L) No.1036 of 2013, shall issue notice to respondents under Order 21 Rule 22(1) of the CPC.

(ii) On receipt of such notice, it would be open for the respondents to prefer objections to the execution proceedings under Order 21 Rule 23 (2) of the CPC.

(iii) The objections which may be preferred by the respondents shall be dealt with, on its own merit, by the learned Single Judge without being influenced by any of the observations/findings contained in the orders dated 18.12.2014 passed in chamber summons no(s).243 of 2014 and 1297 of 2013 in Execution Application (L) No.1036 of 2013.”

(Emphasis added)

6. Mr. Sigantoria, learned Counsel of the Applicant submits that in these circumstances the present Interim Application has been taken out on 28th January 2026. He submits that in the Supreme Court Legal Representative of the deceased Respondent No.1 - Girdharlal Nathubhai Dalal has been brought on record.

7. Thus, in these circumstances, Ms. Vora, learned Counsel appearing for the Respondent No.2 who is a Legal Representative of Respondent No.1 and Executor of the will of deceased Respondent No.1 - Girdharlal Nathubhai Dalal, states that, the amendment as sought be granted, however, all her contentions be kept open.

8. Perusal of operative part of order dated 28th October 2025 passed by the Supreme Court has clarified that after issuance of the notice to the Respondents under Order 21 Rule 22 (1) of the *Code of Civil Procedure, 1908* (“CPC”), it would be open for the Respondents to prefer objections to the execution proceedings under Order 21 Rule 23(2) of CPC and the said objections, if preferred by the Respondents shall be dealt with by learned Single Judge without being influenced by any of the observations made in the order dated 18th December 2014 passed in Chamber Summons Nos.243 of 2014 and 1297 of 2014 in Execution Application (L) No.1036 of 2013. Thus, all contentions have already been kept open as indicated herein above.

9. In the facts and circumstances, the Interim Application is allowed in terms of prayer clauses ‘a’ and ‘b’. Amendment be carried out within a period of two weeks from the date of uploading of the Order.

10. The Interim Application is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]