

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

**APPEAL NO.54 OF 2019
IN
TRUST PETITION NO.4 OF 2014**

Indukumar Ladhahai Momaya (Deleted) ...Appellant
Vs.
Jayantilal Ladhahai Momaya & Ors. ...Respondents

**WITH
CHAMBER ORDER (L) NO.13618 OF 2021
IN
APPEAL NO.54 OF 2019**

Kalpesh Hansraj Shah (Dharamshi) ...Appellant
Vs.
Ladha Mansi Momaya (Deceased) ...Respondent

**WITH
IN PERSON APPLICATION (L) NO.36848 OF 2022
IN
APPEAL NO.54 OF 2019**

Kalpesh Hansraj Shah ...Applicant
Vs.
Jayantilal Ladhahai Momaya & Ors. ...Respondents

Mr. Kalpesh Shah, Appellant No.5 present-in-person.

**CORAM : SARANG V. KOTWAL &
SHYAM C. CHANDAK, JJ.**

DATED : 26th SEPTEMBER, 2025

PC. :-

1) The Order dated 7th March, 2024 mentions that the Appellant did not appear to be capable of arguing his case as what he says is not decipherable. In those circumstances, the earlier Division Bench headed by the then Chief Justice of this Court had requested Mr. Naushad Engineer to assist the Court as *Amicus*, who had readily agreed. At that time, Appellant had given his no objection for appointment of Mr. Engineer as *Amicus*. Mr. Kaustubh Thipsay Advocate was appointed to assist Mr. Engineer.

2) Today, Mr. Engineer and Mr. Thipsay are not present. The Appellant appears as party in person and we concur with the observations of the Division Bench recorded in the Order dated 7th March, 2024 that the Appellant did not appear to be capable of arguing his case as what he says is not decipherable. The situation has not changed today. Therefore, we would wait till the appointed Advocates appeared before the Court. The Appearance of both these learned Counsel be shown on the board.

3) The matter be listed for directions on 26th November, 2025.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)