

**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
Versus
Jayantilal Ladhahai Momaya And Ors.).. Respondents

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

Kalpesh Hansraj Shah (Dharamshi)).. Appellant
Versus
Ladha Mansi Momaya (Deceased)).. Respondents

Mr. Naushad Engineer, Senior Advocate a/w Mr. Kaustubh Thipsay for
the Appellant.

Mr. Shailesh Shah, learned Senior Counsel a/w Mr. Niranjana Jagtap i/b
Mr. Niranjana Jagtap & Co. for the Respondents.

Mr. Kalpesh H. Shah, Appellant, present.

**CORAM : SARANG V. KOTWAL &
SANDESH D. PATIL, JJ**

DATE : 17th APRIL 2026

P.C. :

1) In this matter, Mr. Naushad Engineer, the learned Senior Advocate
is appointed as *Amicus Curiae*. On the previous occasion, he and Mr.

Shailesh Shah, the learned Senior Counsel appearing for the Respondents, had argued the matter. It is quite clear that this matter requires arguments from experienced legal Counsel and, both the learned Senior Counsel were in a position to argue the matter. However, the Appellant has appeared before us today and insisted that Mr. Naushad Engineer, the learned Senior Counsel, may not be permitted to argue in this matter. Mr. Kalpesh Shah, the Appellant, was absolutely unable to convey what he wanted to say. He did not even know, under which Act, the original Petition and the present Appeal were filed.

2) It is simply impossible to understand what he wants to say. He is not even granted permission by the concerned Committee of this Court to argue in person. The Appellant submitted that he would engage a private Advocate to represent him.

3) In this situation, there is no other option, but to adjourn the matter, so that Mr. Kalpesh Shah, the Appellant gets an opportunity to appoint an Advocate of his choice.

4) Before parting with today's Order, we must record our appreciation for the valuable assistance given to us by Mr. Engineer, the learned Senior Counsel and his team as well as Mr. Shailesh Shah, the learned Senior Counsel for the Respondents. We found that Mr. Engineer, the learned Senior Counsel, argued fully protecting interest of Mr. Kalpesh Shah. Mr. Kalpesh Shah wants to engage some other Advocate. These observations are necessary, so that there is no misunderstanding regarding the role played by Mr. Engineer, the learned Senior Counsel.

5) With these observations, we are adjourning this matter to **2nd July 2026**. In case of urgency and if the Appellant is in a position to appoint a private Advocate, liberty to mention before the Vacation Court.

(SANDESH D. PATIL, J.)

(SARANG V. KOTWAL, J.)