

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

SUIT NO. 1280 OF 2007

RAMESH VAJABHAI RABARI)... PLAINTIFF

V/S.

BETRAM PETER D MELLO AND OTHERS)... DEFENDANTS

WITH

NOTICE OF MOTION NO. 2508 OF 2019

IN

SUIT NO. 1280 OF 2007

Mr.Ajinkya Udane, Advocate for the Plaintiff.

Mr.Rubin Vakil a/w. Ms.Khushboo Chughani i/by Mr.Prashant Ghelani,
Advocate for the Defendant no.9.

Mr.S.M.Bodhanwalla a/w. Ms.Sayali Puri, Mr.Akash Singh, Mr.Shreyas
Thakur i/by M/s.Bodhanwalla & Co. Advocate & Solicitors, Advocate
for the Defendants no.1 to 4.

Mr.Anand Iyer i/by Divya Shah Associates, Advocate for the defendans
no.6 to 8.

CORAM : ABHAY AHUJA, J.

DATE : 24th MARCH 2026

PC. :

1. When the matter is called out, Mr.Udane, learned Counsel, appears and submits that since no instructions are being received from the legal heirs of the deceased Plaintiff, he would be making an application for discharge in the matter and that some time be granted.

2. The other learned Counsel submit that since the Plaintiff has passed away, nothing would survive in the matter.
3. Mr.Vakil, learned Counsel appearing for the Defendant no.9, submits that in fact the legal heirs of the deceased Plaintiff have already executed Deeds of Cancellation in September 2025 with respect to the subject documents in the Suit and perhaps therefore, they are not responding to Mr.Udane.
4. List on **24th April 2026**.
5. It is made clear that if no instructions are received by the next date, this Court will consider dismissing the Suit for want of prosecution and dispose the Notice of Motion accordingly.

(ABHAY AHUJA, J.)

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