

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

SUIT NO. 3219 OF 2010

GOKUL CONSTRUCTION CO.)...PLAINTIFF

V/s.

SHER MOHAMMED AZIMUDDIN SODAWALA)
AND OTHERS)...DEFENDANTS

WITH
INTERIM APPLICATION NO. 3742 OF 2025
IN
SUIT NO. 3219 OF 2010
WITH
INTERIM APPLICATION NO. 1194 OF 2024
IN
SUIT NO. 3219 OF 2010
WITH
INTERIM APPLICATION NO. 4016 OF 2025
IN
SUIT NO. 3219 OF 2010
WITH
SUIT NO. 255 OF 2014
WITH
INTERIM APPLICATION (LODGING) NO. 27686 OF 2025
IN
SUIT NO. 255 OF 2014
WITH
INTERIM APPLICATION NO. 3735 OF 2025
IN
SUIT NO. 2532 OF 2012
WITH
SUIT NO. 2532 OF 2012
WITH
INTERIM APPLICATION NO. 1058 OF 2024
IN
SUIT NO. 2532 OF 2012
WITH

**INTERIM APPLICATION NO. 3410 OF 2023
IN
SUIT NO. 2532 OF 2012
WITH
INTERIM APPLICATION NO. 4017 OF 2025
IN
SUIT NO. 2532 OF 2012**

Mr.Piyush Raheja a/w. Mr.Akash Loya, Ms.Jyoti Ghag and Mr.Shailesh Prajapati i/by Dua Associates, Advocate for the Applicant / Plaintiff in Suits No.3219/2010 and No.2532/2012.

Mr.Kshitij Shukla, Advocate for the Plaintiff in S/255/2014 and for the Defendant no.54 in S/3219/2010.

Mr.Maulik Tanna, Advocate for the Defendants no.1 to 27 in Suits No.3219/2010 and No.2532/2012.

CORAM : ABHAY AHUJA, J.

DATE : 4th FEBRUARY 2026

PC. :

**INTERIM APPLICATION (LODGING) NO. 27686 OF 2025
IN
SUIT NO. 255 OF 2014**

1. None for the Applicant.
2. It is observed that the Interim Application is on lodging number.
3. Let objections to the Interim Application be removed and registered number be obtained within a period of two weeks, failing which, the Interim Application to stand dismissed without further reference to this Court.

SUIT NO. 2532 OF 2012

4. When the matter is called out, Mr.Piyush Raheja, learned Counsel, appears for the Applicant / Plaintiff and tenders across the bar a tabular chart containing service to the Defendants.
5. From the chart it is gathered that Advocate Mr.Maulik Tanna appears for the Defendants no.1 to 27.
6. Learned Counsel submit that since the Defendant no.28 has expired, he has been deleted from the array of parties.
7. As regards Defendants no.29(a) to 53, Advocate Mr.Tejas Sanghrajka has been served, however, today none appears for the said Defendants.
8. As regards the Defendant no.54, Mr.Kshitij Shukla, learned Counsel, appears and submits that two weeks' time be granted to file Vakalatnama.
9. As regards the Defendants no.55 to 80 are concerned, it is submitted that one firm by name of R.J. Law has filed Vakalatnama, however, none is appearing for the said Defendants today.
10. Having heard the learned Counsel, the following order is passed in the Suit:

ORDER

- (i) Let Vakalatnama on behalf of the Defendant no.54 be filed within a period of two weeks.
- (ii) As regards the Defendants no.29(a) to 53 and Defendants no.55 to 80, let the Registry issue notice to the Advocates on record, returnable on the next date.
- (iii) List on **18th March 2026** along with pending Suits and all pending applications therein.

**INTERIM APPLICATION NO. 3742 OF 2025
IN
SUIT NO. 3219 OF 2010**

11. This Interim Application seeks deletion of Defendant no.15 in Suit No.3219 of 2010 and to bring on record her legal heirs viz. 15(a) to 15(d). Mr.Tanna, learned Counsel appearing for the legal heirs has no objection if the Interim Application is allowed.

12. Having heard the learned Counsel and having considered the submissions, the Interim Application is allowed in terms of prayer clause (a) which reads thus :

(a) That the Plaintiff be given liberty to amend the plaint in terms of the Schedule annexed hereto.

13. Let the amendments be carried out within a period of three weeks. Let the amended proceedings be served in two weeks thereafter and an appropriate Affidavit of service be filed.

14. The Interim Application, accordingly, stands allowed and disposed as above.

INTERIM APPLICATION NO. 4016 OF 2025
IN
SUIT NO. 3219 OF 2010

15. This Interim Application seeks deletion of Defendant no.11 in Suit No.3219 of 2010. Mr.Raheja submits that since the legal heirs of the deceased Defendant no.11 are already on record, it would not be necessary to implead them separately. Mr.Tanna, learned Counsel appearing for the legal heirs, submits that the legal heirs are already Defendants no.12 to 16 in the Suit and has no objection if the deletion is permitted.

16. Having heard the learned Counsel and having considered the submissions, the Interim Application is allowed in terms of prayer clause (a) which reads thus :

(a) That the Plaintiff be given liberty to amend the plaint in terms of the Schedule annexed hereto.

17. Let the amendments be carried out within a period of three weeks. Let the amended proceedings be served in two weeks thereafter and an appropriate Affidavit of service be filed.

18. The Interim Application, accordingly, stands allowed and disposed as above.

INTERIM APPLICATION NO. 3735 OF 2025
IN
SUIT NO. 2532 OF 2012

19. This Interim Application seeks deletion of Defendant no.15 in Suit No.2532 of 2012 and to bring on record her legal heirs viz. 15(a) to 15(d). Mr.Tanna, learned Counsel appearing for the legal heirs has no objection if the Interim Application is allowed.

20. Having heard the learned Counsel and having considered the submissions, the Interim Application is allowed in terms of prayer clause (a) which reads thus :

(a) That the Plaintiff be given liberty to amend the plaint in terms of the Schedule annexed hereto.

21. Let the amendments be carried out within a period of three weeks. Let the amended proceedings be served in two weeks thereafter and an appropriate Affidavit of service be filed.

22. The Interim Application, accordingly, stands allowed and disposed as above.

INTERIM APPLICATION NO. 3410 OF 2023
IN
SUIT NO. 2532 OF 2012

23. This Interim Application seeks deletion of Defendant no.13 in Suit No.2532 of 2012 and to bring on record his legal heirs viz. 13(a) to 13(d). Mr.Tanna, learned Counsel appearing for the legal heirs has no objection if the Interim Application is allowed.

24. Having heard the learned Counsel and having considered the submissions, the Interim Application is allowed in terms of prayer clause (a) which reads thus :

(a) That the Plaintiff be given liberty to amend the plaint in terms of the Schedule annexed hereto.

25. Let the amendments be carried out within a period of three weeks. Let the amended proceedings be served in two weeks thereafter and an appropriate Affidavit of service be filed.

26. The Interim Application, accordingly, stands allowed and disposed as above.

INTERIM APPLICATION NO. 4017 OF 2025
IN
SUIT NO. 2532 OF 2012

27. This Interim Application seeks deletion of Defendant no.11 in Suit No.2532 of 2012. Mr.Raheja submits that since the legal heirs of the deceased Defendant no.11 are already on record, it would not be necessary to implead them separately. Mr.Tanna, learned Counsel appearing for the legal heirs, submits that the legal heirs are already Defendants no.12 to 16 in the Suit and has no objection if the deletion is permitted.

28. Having heard the learned Counsel and having considered the submissions, the Interim Application is allowed in terms of prayer clause (a) which reads thus :

(a) That the Plaintiff be given liberty to amend the plaint in terms of the Schedule annexed hereto.”

29. Let the amendments be carried out within a period of three weeks. Let the amended proceedings be served in two weeks thereafter and an appropriate Affidavit of service be filed.

30. The Interim Application, accordingly, stands allowed and disposed as above.

(ABHAY AHUJA, J.)