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

**SUIT NO.56 OF 2023
WITH
INTERIM APPLICATION NO.3744 OF 2024**

Ferzana Abdur Rehman Adam ... Plaintiff

Versus

Rahim Latif Kapadia ... Defendant

**WITH
INTERIM APPLICATION NO.1772 OF 2024
IN
SUIT NO.56 OF 2023**

**Mr. Akshay Doctor a/w. Mr. Sahil Harjani and Ms. Riddhi
Badheka i/b Desai & Diwanji, for Plaintiff.**

**Mr. Gaurav Shahane i/b Mr. Abhijit P. Kulkarni, for Defendant
Nos.1 to 4.**

CORAM : Jitendra Jain, J.

DATED : 9 September 2025

PC:-

INTERIM APPLICATION NO.1772 OF 2024

1. This application is taken out for condoning delay of 64 days in filing written statement to the amended plaint. I am satisfied with the reasons given in the said application for there being delay in filing written statement. There is no serious opposition through any of the parties to oppose the

said condonation. Therefore, interim application is allowed in terms of prayer clauses (a) and (b) which reads as under:

“(a) condone the delay of 64 days in filing the Written Statement to the amended plaint;

(b) transfer the Suit which has been of the Defendant No.9 from the list of undefended Suits to the list of Long Cause Suits.”

2. Interim Application is disposed of.

SUIT NO.56 OF 2023

3. Learned counsel for the plaintiff states that defendant No.10 has recently passed away and therefore he will take out appropriate application for bringing legal heirs on record. Such application, if any to be made within a period of 4 weeks from today. If there are no legal heirs of defendant No.10 then plaintiff will take steps to delete the defendant No.10. Defendant No.9 to file and serve all the parties written statement within a period of two weeks from today.

4. Learned counsel for defendant Nos.1 to 4 to take out appropriate application seeking condonation of delay in filing the written statement. Such application if taken out within 4 weeks from today then same will be listed on next occasion. If defendant Nos.1 to 4 does not take out any application for condonation of delay in filing written statement within a period of 4 weeks from today then the right to file the written statement will be forfeited. On the written statement being filed by the defendants, the plaintiff is at liberty to file

appropriate reply. If defendant Nos. 1 to 4 takes out any application for condonation then liberty to the plaintiff to oppose the same.

5. List this matter on 18 November 2025.

6. On a query being raised by the Court, learned counsel for the parties stated that the efforts made for amicably resolving the dispute amongst the parties had failed.

INTERIM APPLICATION NO.3744 OF 2024

7. By order dated 2 January 2025, the defendants were given three weeks time to file reply to the Interim Application. The said three weeks time expired in January 2025 but no reply was filed. Thereafter, the matter was listed on 6 February 2025 and since the written statement was not filed within the time limit stated above, at the request of learned counsel for defendant Nos.1 to 4, appropriate application was directed to be filed. Today we are in September and no reply to IA has been filed inspite of various opportunities granted by this Court.

8. The non filing of reply inspite of consistent leave granted by the Court as stated above indicates that defendant Nos.1 to 4 are not seriously contesting the granting of relief sought for by the plaintiff in the interim application. Learned counsel for the plaintiff states that prayer clause (a) of the Interim Application has already been worked out. Therefore Interim Application is allowed in terms of prayer clauses (b) and (c). Interim Application is disposed of.

9. List this matter on 18 November 2025.

(Jitendra Jain, J)