

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 1494-1495/2020

ARUL MADHUSUDHAN FUTNANI

Appellant(s)

VERSUS

VISHANJI DUNGARMAL FUTNANI (D) THR. LRS.. & ORS.

Respondent(s)

IA No. 40152/2022 - APPLICATION FOR SUBSTITUTION
IA No. 89525/2020 - APPLICATION FOR SUBSTITUTION
IA No. 40154/2022 - EXEMPTION FROM FILING O.T.)

WITH

C.A. No. 1499/2020 (XVI)

(FOR

FOR APPLICATION FOR SUBSTITUTION ON IA 89539/2020
FOR APPLICATION FOR SUBSTITUTION ON IA 42695/2022
FOR EXEMPTION FROM FILING O.T. ON IA 42698/2022
IA No. 42695/2022 - APPLICATION FOR SUBSTITUTION
IA No. 89539/2020 - APPLICATION FOR SUBSTITUTION
IA No. 42698/2022 - EXEMPTION FROM FILING O.T.)

C.A. No. 1498/2020 (XVI)

(FOR

FOR APPLICATION FOR SUBSTITUTION ON IA 89422/2020
FOR APPLICATION FOR SUBSTITUTION ON IA 42680/2022
FOR EXEMPTION FROM FILING O.T. ON IA 42683/2022
IA No. 42680/2022 - APPLICATION FOR SUBSTITUTION
IA No. 89422/2020 - APPLICATION FOR SUBSTITUTION
IA No. 42683/2022 - EXEMPTION FROM FILING O.T.)

C.A. No. 1496-1497/2020 (XVI)

(FOR

FOR APPLICATION FOR SUBSTITUTION ON IA 90422/2020
FOR APPLICATION FOR SUBSTITUTION ON IA 42766/2022
FOR EXEMPTION FROM FILING O.T. ON IA 42768/2022
IA No. 42766/2022 - APPLICATION FOR SUBSTITUTION
IA No. 90422/2020 - APPLICATION FOR SUBSTITUTION
IA No. 42768/2022 - EXEMPTION FROM FILING O.T.)

C.A. No. 8154/2001 (XVI)

(FOR

FOR APPLICATION FOR SUBSTITUTION ON IA 91874/2020
FOR APPLICATION FOR SUBSTITUTION ON IA 43076/2022
IA No. 43076/2022 - APPLICATION FOR SUBSTITUTION
IA No. 91874/2020 - APPLICATION FOR SUBSTITUTION)

C.A. No. 8153/2001 (XVI)

(FOR

FOR APPLICATION FOR SUBSTITUTION ON IA 91920/2020
FOR APPLICATION FOR SUBSTITUTION ON IA 43060/2022
IA No. 43060/2022 - APPLICATION FOR SUBSTITUTION
IA No. 91920/2020 - APPLICATION FOR SUBSTITUTION)

C.A. No. 1653/2020 (XII)
(FOR
FOR APPLICATION FOR SUBSTITUTION ON IA 45716/2022
IA No. 45716/2022 - APPLICATION FOR SUBSTITUTION)
IA No. 56926/2019- Discharge of AOR
IA No. 56928 of 2019- Discharge of AOR

Date : 30-11-2022 These matters were called on for hearing today.

CORAM :
HON'BLE MS. JUSTICE HIMA KOHLI
[IN CHAMBER]

For Appellant(s) Mr. Sandeep Narain, Adv.
Ms. K. Malik, Adv.
M/S. S. Narain & Co., AOR

Mr. P. Narasimhan, AOR
Mr. S. Gowthaman, AOR
Mr. Vijay Kumar, AOR
Mr. Sriram P., AOR
Mr. G. Balaji, AOR

For Respondent(s)

M/S. S. Narain & Co., AOR
Mr. S. Thananjayan, AOR
Mr. G. Balaji, AOR
Mr. Vikas Mehta, AOR

Mr. Prateek Khandelwal, Adv.
Ms. Tanya Chowdhury, Adv.
M/S. Parekh & Co., AOR

Mr. Rakesh K. Sharma, AOR
Mr. A. Raghunath, AOR

Mr. Abhinav K. M., Adv.
Mr. Siddharth Gautam, Adv.
Ms. Anagha S. Desai, AOR

Mr. Suman Jyoti Khaitan, AOR
Mr. Pranab Prakash, AOR
Mr. Himinder Lal, AOR
Mr. C. K. Sasi, AOR
Mr. A. Venayagam Balan, AOR
Mr. P. Parmeswaran, AOR
Mr. E. C. Agrawala, AOR

Mr. D. Abhinav Rao, AOR
Mr. Rahul Jajoo, Adv.

Ms. Sakshi Kakkar, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. IA No. 89525/2020 in C.A. No.(s). 1494-1495/2020
2. IA 90422/2020 in C.A. No. 1496-1497/2020
3. IA 89422/2020 in C.A. No. 1498/2020
4. IA 89539/2020 in C.A. No. 1499/2020
5. IA 91920/2020 in C.A. No. 8153/2001
6. IA 91874/2020 in C.A No. 8154/2001

1. These applications have been moved by learned counsel for the appellant for bringing on record the legal heirs of the deceased respondent, Mr. Kirti Kumar Mohanlal Futnani. Learned counsel for the respondent has no objection to the applications being allowed. The applications are allowed.

2. Necessary steps be taken by learned counsel for the appellant to effect service on the sole legal heir of the deceased respondent, Mr. Kirti Kumar Mohanlal Futnani who is residing abroad, as per the rule and through electronic mode. Affidavit of service shall be filed along with the relevant documents within four weeks.

1. IA No. 40152/2022 in C.A. No.(s). 1494-1495/2020
2. IA 42766/2022 in C.A. No. 1496-1497/2020
3. IA 42680/2022 in C.A. No. 1498/2020
4. IA 42695/2022 in C.A. No. 1499/2020
5. IA 43060/2022 in C.A. No. 8153/2001
6. IA 43076/2022 in C.A No. 8154/2001

1. These applications have been moved by learned counsel for the appellant for bringing on record the legal heirs of late Mr. Mohanlal Durgamal Futnani who is impleaded as respondent no. 2 in

C.A. No.(s). 1494-1495/2020, 1498, 1499 of 2020, respondent no. 3 in C.A. No. 1496-1497/2020 and respondent no. 1 in C.A. No. 8153 and 8154 of 2001.

2. There are 8 common legal heirs in the above mentioned matter out of which 7 are already on record, as in their own right respondents. The legal heir viz. Ameya has to be brought on record. She is also the sole legal heir of the deceased Mr. Kirti Kumar Mohanlal Futnani and notice was already directed to be issued on several appellants.

3. Learned counsel for the respondent has no objection to the applications being allowed. The applications are accordingly allowed.

4. Necessary steps be taken by the learned counsel for the appellant to effect service on the sole legal heir of the deceased respondent Mr. Mohanlal Durgamal Futnani, who is residing abroad as per the rule and through electronic mode. Affidavit of service shall be filed along with the relevant documents within four weeks.

5. Learned counsel states that an erroneous office report was prepared on 07.04.2022 mentioning that some of the respondents are unserved, which is factually incorrect. Necessary clarification may be given to the concerned clerk in the Registry for the correction of the records.

IA 56926/2019 and IA No. 56928/2019-

1. The present application has been moved by the Advocate on Record for seeking discharge on behalf of the respondents no. 6 and 8 respectively. Written intimation seeking discharge by the advocate has been enclosed with the application. In view of the

alone, the applications are allowed and disposed of.

2. As none is present on behalf of respondents no. 6 and 8 respectively, let fresh notice be issued to the said respondents returnable within four weeks.

(HARSHITA UPPAL)
SENIOR PERSONAL ASSISTANT

(RAM SUBHAG SINGH)
BRANCH OFFICER