

IN THE COURT OF SMALL CAUSES AT MUMBAI
(APPELLATE BENCH)

ORDER BELOW EXHIBIT-40
IN
(A1) APPEAL NO.377 OF 2017
IN
R.A.E. SUIT NO.902/1837 OF 1996

1 Mr. Omprakash Gupta & Ors. Appellants
.. (Orig.
Defendants
Nos.6,11,12,
15 to 20, 22,
24 to 31)

VERSUS

Naozar Feroz Irani
(Deceased)
1. Mrs. Khorshed Naozar Irani Respondent
(Deleted) .. No.1 (Org.
Plaintiff)
Adi Dhunjishaw Vasaigara Respondent
.. No.1(A)

AND

2. M/s. Gopaldas Vasudev & Company & (Orig Def.
Ors. .. Nos.1 to 5, 7
to 10,
13,14,21 &
23)

M/s. SSB Legal & Advisory, Ld. Advocates for the Appellant No.18.
Ms. Geeta Kunder, Ld. Advocate for the Respondent No.1.

Coram: M. S. Pathan, Additional Chief Judge,
And

J. S. Jagdale, Judge
C.R. No.4

Date : 20th June, 2022

ORDER : (Per J.S. Jagdale, Judge)

This is an application filed by proposed respondent No.1/respondent No.1(A) for bringing his name on record and for making the present appeal time bound.

2. Respondent No.1(A) has contended that, he was allowed to be impleaded in place of deceased respondent No.1 vide order dated 16th February, 2021 passed below application (Exh. 22). The appellants had challenged said order and sought time to make necessary amendment. Later on, the appellants had withdrawn C.R.A. Stamp No.175/2021 filed before the Hon'ble High Court, Bombay in pursuance of probate filed by respondent No.1(A). It is further contended that, proposed respondent No.1 is a senior citizen aged about 77 years. So, he has prayed to make time bound the present appeal. Hence, this application.

3 The appellants have resisted the present application on the ground that, the application has become infructuous because as per order passed below application (Exh. 41), the appellants had impleaded proposed respondent No.1 as respondent No.1(A). The appellants have prayed to reject the application.

4 Heard the arguments of both learned Advocates. Perused the record and annexed documents. It is clear that, proposed respondent No.1 has been impleaded as respondent No.1(A) on 04/05/2022 in pursuance of order passed below application (Exh. 41). Therefore, to this extent, the application is satisfied.

5. As regards second prayer in the present application is concerned, the appellants have not disputed age of respondent No.1(A). Some of the appellants seems to be senior citizens having age more than 60 years. Furthermore, present appeal is pending since last about 5 years. Therefore, it will be proper to expedite hearing of the present appeal. Hence, we proceed to pass the following order:

: ORDER :

1. Application is partly allowed.
2. Hearing of the present appeal is expedited, being respondent No.1(A) and some of the appellants senior citizens.
3. Both parties to take note and proceed with the hearing without further delay.
4. No order as to costs.

I agree,

(M. S. Pathan)
Additional Chief Judge,
Court Room No.4,
20.06.2022

(J. S. Jagdale)
Judge
Court Room No.4,
20.06.2022

Order Dictated on :- 20/06/2022
Order Transcribed on :- 20/06/2022
Order Checked & Signed on :- 20/06/2022