

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3120 OF 2014
IN
FIRST APPEAL NO.56 OF 2008

Ashok Dhansukhlal Parekh and Others ...Applicants/Appellants
vs.
Godrej Boyce Manufacturing Company
Private Limited ...Respondents

Mr. Farhan Dubash a/w. Mr. A. Postvala i/b. Vigil Juris, for
Applicants/Appellants.
Mrs. Naira J. i/b. Bachubhai Munim & Co., for Respondents.

CORAM : K.K. TATED, J.

4TH MARCH 2015

P.C. :-

Heard learned counsel for the parties.

2] This application is for bringing the executor on record of deceased Mrs. Nilima Vishwanath Paingankar who died on 20-02-2014.

3] The learned counsel appearing for Respondents submit that they have no objection if Civil Application is allowed. Considering

the submission made by the learned counsel for the Applicants and the no objection by the Respondents, I am of the opinion that the Applicants have made out a case. Hence, following order.

4] Civil Application is allowed in terms of prayer clause (a), (b) and (c) which reads thus...

A] (a) *“Condone the delay of about 26 days in filing this Civil Application. ”*

(b) *“The automatic abatement of the First Appeal No. 56 of 2008 and the Civil Application No. 2035 of 2009 against the Appellant No. 3 be set aside and the First Appeal No. 56 of 2008 and the Civil Application No. 2035 of 2009 be continued.”*

c) *“That the Applicants herein be permitted to be impleaded as Appellants Nos. 3(a) to 3(c) in First Appeal No. 56 of 2008 and Civil Application No. 2035 of 2009 and for consequential amendments as per the Schedule annexed hereto.”*

B] The Applicants are directed to carry out appropriate amendment and serve an amended copy of the First Appeal on the Respondents within six weeks from today, failing which the Civil Application shall stand dismissed without further reference to the Court.

C] Civil Application stands disposed of accordingly.

D] The learned counsel for Respondents waives service in amended
First Appeal No. 56 of 2008.

(K.K.TATED, J.)