

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 2599 OF 2013  
IN  
WRIT PETITION NO. 5478 OF 2003**

Smt. Elizabeth Joseph  
since deceased and represented her through  
her LR's

Mr. Edward Joseph

.. Applicant/Petitioner

Vs.

Shri Hilry Francis Almedia

.. Respondent

Mr. Dundappa B. Patil for applicant.

Mr. Sanjiv A. Sawant for respondent.

**CORAM : K.R.SHRIRAM, J.  
DATE : 3<sup>RD</sup> FEBRUARY, 2015**

**P.C.**

1 This civil application is taken out to bring on record the legal heirs of the respondent. I find that the application has been taken out almost three months late. Moreover, I find that the application has been affirmed by the advocate for the applicant/petitioner. The advocate states that he had affirmed the affidavit because the applicant/petitioner is in jail and at the same time he is also relying on the affidavit of one Marwin Simon Joseph who is supposed to be the brother of the applicant/petitioner. The application is taken out by the applicant's advocate and hence the application is rejected.

2      The applicant/petitioner is at liberty to take out fresh application as advised. It is made clear that granting liberty to the petitioner to take out further application does not mean that any view is expressed by this Court on such application.

**(K.R. SHRIRAM, J.)**