

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.206/2016
IN
FIRST APPEAL NO. 674/2004

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Denzil D'Mello with Geeta Sonawane for the Applicant

Mr. Clive D'Souza for the Respondent

CORAM : K. K. TATED, J.

DATE : FEBRUARY 15, 2016

P.C.:

1. Heard. This application is for bringing legal heirs on record of deceased Respondent No.1.

2. The learned counsel for the Applicant submits that the legal heirs of Respondent No.1 are already on record as Respondent Nos.2 to 5. He seeks liberty to carry out appropriate amendment by deleting the name of Respondent No.1 and treating the Respondent Nos.2 to 5 as legal heirs of Respondent No.1.

3. The learned counsel for the Respondent Nos.2 to 5 submits that Respondent No.4 also expired. He submits that he will provide the names and address of the legal heirs of Respondent No.4 within 3 weeks from today. Statement is accepted.

4. Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

5. Hence, the following order:

a) The Applicant is permitted to delete the name of Respondent No.1 within 4 weeks from today.

b) The Applicant is permitted to carry out appropriate amendment showing Respondent Nos.2 to 5 as legal heirs of Respondent No.1.

c) Amendment to be carried out in the First Appeal as well as the pending Civil Application within 4 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

d) If amendment is carried out within stipulated time as stated hereinabove, the Applicant is directed to serve an amended copy of the First Appeal as well as pending Civil Application, if any, on the Advocate for the other side, immediately thereafter.

e) Civil Application stands disposed of accordingly.

JUDGE