

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4038 OF 2006
IN
FIRST APPEAL NO. 932 OF 2001

Smt. Daulat Merwan Irani
(since deceased) through LRs.
Kershasp Merwan Irani & Ors.

..Applicants /
Appellants

vs.

Shri Himmatlal K. Nihalchand & Ors.

..Respondents

Mr. Y. Lunathwalla h/f. Mr. A. A. Kocharekar for Applicants /
Appellants.

Mr. D. S. Mhaispurkar for Respondent Nos. 2 and 3.

CORAM : M. S. SONAK, J.

DATE: 10 JANUARY 2017

P.C :

1] Heard learned counsel for the parties.

2] By this civil application, the legal representatives of the appellant seeks to come on record. The application is within time and there can be no difficulty in granting the same.

3] Learned counsel for respondent nos. 2 and 3 however points out that in addition to the legal representatives referred to in the civil application, the wife and daughter of the pre-deceased son of the appellant by name Dara Irani are also required to be brought on record. Accordingly, it is directed that the said persons be also brought on record in addition to the names of the legal

representatives referred to in the civil application. In case, for any reason, it is not possible for the legal representatives referred in the civil application to obtain vakalatnama or authority of the said wife and daughter, leave is granted to implead the said wife and daughter as respondents in this appeal.

3] Learned counsel for respondent nos. 2 and 3 also points out that the respondent no. 1 who was executor has also since expired. Since, there is no question of bringing on record any legal representatives of the executor, learned counsel for the appellant seeks leave to strike off the name of the respondent no.1 from the cause title. Such leave is also granted.

4] Necessary amendment to be carried out to the appeal memo within a period of four weeks from today.

5] Civil application is disposed of in the aforesaid terms.

(M. S. SONAK, J.)