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

**CIVIL APPLICATION NO. 2012 OF 2016
IN
FIRST APPEAL NO. 1143 OF 2014**

Aloysus Augustine Kinny (deceased) & Ors. ... Applicants

Versus

Xavier Augustine Kinny & Ors. ... Respondents

Ms. Manak Bookwala-Shetty, a/w Mr. Abbas Zeudy, i/b
Zohair & Co., for the applicant.

Mr. Bharat Punekar, for Respondent nos.2 to 5.

CORAM : K. K. SONAWANE, J.

DATED : 6th AUGUST, 2018.

P.C.:-

1. Heard the learned Counsel for the Applicants and the learned Counsel for the Respondents. It has been contended that the applicants have preferred First Appeal No.1143 of 2014 against the impugned common judgment and order passed by the City Civil Court, Mumbai, dismissing the CC Suit No.6113 of 1986. The learned Counsel submits that Respondent no.3(a) Smt. Mili Agnes Kinny, of Appeal From Order No.1143 of 2014, is no-more and she died on 27th

December, 2014. Her legal heirs are already on record being Respondent no.3(b) to 3(g). Therefore the applicants-appellants requested to delete the name of Respondent no.3(a) from the array of Respondent. The learned Counsel for the Respondents has no objection. In view of the reason mentioned in the application, the application stands disposed of. The name of Respondent no.3(a) be deleted from the cause-title of Appeal From Order No.1143 of 2014, without prejudice to the right and interest of rest of the Respondents.

2. The Applicant shall carry-out the requisite amendment within two weeks from today. In view of above, the Civil

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Application stands disposed of. No order as to costs.

[K. K. SONAWANE, J.]