

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

**FIRST APPEAL NO.885 OF 2003
WITH
CIVIL APPLICATION NO.2425 OF 2018
WITH
CIVIL APPLICATION NO.264 OF 2018**

Mr. Himanshu Navinchandra Desai and Anr. ..Appellant

vs.

Shri Babu Jogi @ Rui Josefereria (Decd)

Through Legal heirs ...Respondents

Ms. Anu C. Kaladharan i/b Ms. Anjali Neel Helekar for the Appellant.
None for the Respondents.

CORAM : V. M. DESHPANDE, J.

DATE : 19th JULY, 2018

P.C.:

CIVIL APPLICATION NO.2425 OF 2018

. This application is filed on behalf of legal representatives of the appellant to substitute their names in place of original appellant Navinchandra C. Desai who died on 6/1/2018. His death certificate is placed on record along with this application. This application is filed on 22/2/2018. This application is well within limitation. In that view of the matter, application is allowed. Legal representatives of the deceased appellant are permitted to substitute themselves as appellant, as cause of action survives in their favour. Application is allowed and disposed of.

CIVIL APPLICATION NO.264 OF 2018

2. Learned counsel for the applicant submits that she seeks leave to withdraw this application with liberty to file appropriate application. Application is disposed of as withdrawn with liberty as prayed for.

(V. M. DESHPANDE, J)