

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

CIVIL APPLICATION NO. 2248 OF 2017

IN

FIRST APPEAL NO. 333 OF 2009

Smt. Vaishali Madhukar Gaikwad & Ors. ...Applicants

Versus

Shri Vincent T. Fernandes (since decd.) ...Respondents
Thr. LRs. Smt. Carrol Vincent Fernandes
& Ors.

Mr. Rohit Joshi i/b Ms. Gauri Godse – Advocate for the
applicant/appellant.
Mr. Uday Badadare i/b Mr. S. R. Singh – Advocate for the
Respondent no. 2.

CORAM : R. D. DHANUKA, J.

DATE : 18th DECEMBER 2019.

P.C. :

By the Civil Application, the applicant seeks to bring on record the Legal heirs of the respondent no. 1 as respondent no. 1(a) in the First Appeal No. 333 of 2009. The legal heir of respondent no. 1 has been served by publication. None appears for the proposed respondent no. 1(a).

2. On perusal of the averments made in the Civil application, I am satisfied that the delay of 176 days in filing the

Civil Application for bringing the legal heirs of the respondent no. 1 is sufficiently explained.

3. The Civil Application is accordingly made absolute in terms of prayer clause (a) to (c).

4. The amendment to be carried out within four weeks from today. Amended copy of First Appeal to be served on the respondent including newly added party within one week from the date of carrying out amendments.

[R. D. DHANUKA, J.]