

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO. 401 OF 2014
IN
SUIT NO. 818 OF 1983**

(1) Mrs. Rosy wd/o John Gomes
& Ors. .. Applicants

In the matter between :

Ajay Gokuldas Shah
& Anr. .. Plaintiffs

Vs.

John Edwerd Gomes
& Ors. .. Defendants

**ALONG WITH
INTERIM APPLICATION NO. 1 OF 2019
IN
NOTICE OF MOTION NO. 616 OF 2014
IN
SUIT NO. 818 OF 1983**

(1) Mrs. Roslyn W. Gonsalves
& Anr. .. Applicants

In the matter between :

Ajay Gokuldas Shah
& Anr. .. Plaintiffs

Vs.

John Edwerd Gomes
& Ors. .. Defendants

And

Aziz H. Parpia & Ors. .. Respondents

Mr. K.T. Kukreja a/w. Mr. Suraj I. Dube, Afesha Jain i/b Mr. Sharath Pai for applicants in both motions.

Mr. Snehal Shah with Ms. Kirtida Chandarana i/b Mahernosh Humranwala for respondent No.1 in both motions.

Mr.Sunil Patel i/b Sunil & Co. for respondent No.2 in both motions.

Mr. Meit Sampat i/b Little & co. for plaintiffs and for respondent No.3 in both notice of motions.

Mr. S.A. Jabbar i/b J.R. Vyas for respondent Nos. 6 and 7 in both motions.

CORAM : N.J. JAMADAR, J.

DATE : 5TH NOVEMBER 2019

P.C.

1. The applicants, who are the legal representatives of the defendant No.12, have taken out this application to delete the name of the respondent No.1-Aziz Habib Parpia, who has expired on 14th August 2019. A copy of the Death Certificate is annexed to the application. It is submitted that Shri Aziz Habib Parpia, the deceased respondent No.1 to these notices of motion, was not a party to Suit No.818 of 1983, wherein these notices of motion were taken out.

2. In these circumstances, interim application stands allowed in terms of prayer clauses (a) and (b).

The applicants shall carry out necessary consequential amendment within two weeks from today.

The notices of motion be listed on 26th November 2019.

The interim application stands disposed of accordingly.

[N.J. JAMADAR, J.]