

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2958 OF 2021
IN
FIRST APPEAL NO.54 OF 2000

Zina Margaret Fernandes & Ors. .. Applicants

Versus

Mary Paul D'Mellow (since deceased through
LRs) 1(a) Mrs.Carol Pereira & Ors. .. Respondents

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Mr.D.B.Pereira i/b Mr.Deepak Lulia for the Applicants.

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CORAM: BHARATI DANGRE, J.
DATED : 21st OCTOBER, 2021

P.C:-

1. By this application, the legal heirs of Respondent No.8, who is expired on 13/05/2021, are sought to be brought on record.

2. Heard the learned counsel for the Applicants. Perused the application. It is stated in paragraphs 5 and 6 of the application that Respondent No.8 expired on 13/05/2021 and this fact was informed to the Applicants by addressing a letter to them by the counsel for the Respondents dated 23/08/2021, which is received by them on 25/08/2021. As such, there is no delay in bringing the legal heirs on record, since the

application was moved on 16/09/2021, proposing the inclusion of Respondent Nos.8(a) to 8(d) as legal heirs and representatives of Respondent No.8.

3. On considering the application, I deem it necessary to grant the application. The application is made absolute in terms of prayer clause (a). Necessary amendment be carried out within a period of one week from today. On the amendment being carried out, issue notice to the newly added Respondent Nos.8(a) to 8 (d), making it returnable on 20/12/2021.

(SMT. BHARATI DANGRE, J.)