

S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
O.O.C.J.

CHAMBER SUMMONS NO. 2 OF 2016

IN

APPEAL NO. 146 OF 2014

IN

SUIT NO. 684 OF 1971

Diya Garware Ibanez

Applicant

..

In the matter between :

Thomas More Pareira

.. Appellant

**Versus**

Municipal Corporation of Bombay and Ors.

.. Respondents

- .....
- Ms. Isha Bafna & Mr. Anand Lalwani i/by Jayakar & Partners for the Appellant
  - Mr. Siddharth C. Wakankar for Applicant in CHS 2/2016
  - Mr. Sagar Patil a/w. Ms. Yamuna Parekh for Respondent - MCGM
  - Ms. Swati Sawant & Ms. Minal Lodaya i/by S.K.Legal Associates LLP for Respondent No.11 (b)
  - Mr. R.A.Shah i/by Mansukhlal Hiralal & Co. for Respondent No.12
  - Mr. Ryan Mendes i/by Parinam Law Associates for Respondent No.21
- .....

CORAM : S. J. KATHAWALLA &  
MILIND N. JADHAV, JJ.

DATE : JULY 27, 2021.  
(Through Video Conferencing)

P.C.:

. The Appellant (original Plaintiff ) had filed the above Suit being Suit No. 684 of 1971 challenging the sale of property in favour of Respondent Nos. 6 to 15 through an auction. The suit was ultimately dismissed and the Appellant preferred the above Appeal being Appeal No.146 of 2014. The Appeal is pending till date. Respondent No.11

has passed away on 7<sup>th</sup> February 2014. By the present Chamber Summons, the Applicant seeks to amend the cause title of the above Appeal to bring the legal heirs of the original Respondent No.11 on record and to also carry out consequential amendments.

2. We have heard the learned Advocates for the parties. For the reasons stated in the Chamber Summons, the delay of 550 days in filing the above Chamber Summons is condoned and the legal heirs of Respondent No.11 are allowed to be brought on record. Amendments to be carried out within two weeks from today. Re-verification is dispensed with.

3. All contentions of the parties are kept open.

4. The Chamber Summons is disposed of.

[ MILIND N. JADHAV, J. ]

[ S. J. KATHAWALLA, J. ]