

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1283 OF 2022

IN

FIRST APPEAL NO. 749 OF 2009

FERDINAND FRANCIS FERNANDES } APPLICANTS

V/S.

FRANCIS V. DSOUZA (SINCE DECEASED)

THR. L.R.S. 1A) CARLTON AXEL

D'SOUZA AND (SON)

ORS.

} RESPONDENTS

\* \* \* \*

Mr. Omkar Kulkarni i/by. Nachiket V. Khaladkar, Advocate  
for the applicants

Mr. Ateet Mhambrey a/w. Ms. Sampada Waghmare i/by.  
Mr. Manoj Mhambrey, Advocate for respondents no.1  
and 2.

Coram : Sandeep K. Shinde, J.

Monday, 7<sup>th</sup> March, 2022.

P.C. :

1) Pending Appeal, respondent no.1-Francis V.  
D'souza passed away on 11<sup>th</sup> July, 2021. His interest in the

Appeal is adequately represented by respondents no.2, 3 and 4. In that view of the matter, this application seeks leave to delete the name of Francis V. D'souza from the cause-title of the Appeal.

2) As such the application is allowed in terms of prayer clause (a), which reads as under :

a) The present Interim Application be allowed and this Hon'ble Court be pleased to bring on record Respondent no.1A to 1C herein (who are already on record in their individual capacity) as legal heirs and representatives of the deceased original Respondent No.1 and the Respondents No.1A to 1C herein be also shown in their capacity as legal heirs and representatives of the deceased original Respondent No.1 and the cause title of the memo of the said First Appeal and other proceedings be suitably amended."

3) Consequential amendments to be carried out within two weeks.

4) Application is allowed and disposed of.

(Sandeep K. Shinde, J.)