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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION (St) NO. 19730 OF 2022
WITH
CIVIL APPLICATION NO. 3580 OF 2019
IN
FIRST APPEAL NO. 632 OF 2002

Municipal Corporation of
Greater Mumbai

....Applicant/Appellant

vs.

Goyal Brother and Ors.

.....Respondents

Mr Vasim Shaikh i/b. M/s Pravin Mehta Mithi & Co. for Respondent No.1.

Advocate for Respondent No.2.

Mr Shawn Fernandes i/b. Mr J.G.Damani for Respondent Nos. 4 and 5.

Mr Anil R Mishra, Advocate for Respondent No. 6(i) to 6(v).

CORAM : GAURI GODSE, J.

DATE : 17th NOVEMBER 2022

P.C.

Interim Application (St) No. 19730 of 2022

1. This Application is filed for bringing on record heirs and representatives of deceased Respondent No. 2 – Mr Ashok Triloknath Goyal in the First Appeal. Learned counsel for Respondent No. 2 waives service on behalf of the heirs of Respondent No.2.

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2. For reasons stated in the application the following order is passed:

- (i) Application is allowed in terms of prayer clause (a),(b) and (c).
- (ii) Amendment to be carried out within a period of two weeks from today.
- (iii) Copy of the amended Appeal memo to be served on the Respondent.

Civil Application No. 3580 of 2019

1. This Application is for bringing on record heirs and legal representatives of deceased Respondent 6(I)- Smt Paramadevi Ramsurat Mishra and to condone the delay of 162 days in filing the present Application.

2. Learned counsel appearing for the Applicant states that the Civil Application No. 5528 of 2005 was allowed by order dated 9th February 2007 for bringing on record heirs and legal representatives of deceased respondent no. 6. He states that he has served copy of the amended Appeal memo on the Advocate appearing for the legal heirs and representatives of Respondent no.6. However inadvertently the amendment was not carried out in the original court record.

3. Learned counsel appearing for the heirs and legal representatives of Respondent no. 6 states that he has no objection for carrying out necessary amendment in the court record for bringing on record heirs and legal representatives of Respondent no. 6 as per order dated 9th February, 2007.

4. Hence following order is passed :

- (i) Applicant is allowed to carry out amendment in the cause title of the First Appeal as well as pending applications if any, as per order dated

9th February 2007 in Civil Application no.5528 of 2005. Amendment to be carried out within a period of two weeks from today.

- (ii) Mr Mishra waives service for heirs and legal representatives of Respondent no. 6(I).
- (iii) Hence delay in filing the present application is condoned.
- (iv) Application is allowed in terms of prayer clause (a),(b) and (c).
- (v) Civil Application No. 3580 of 2019 is disposed in the above terms.
- (vi) Amended memo of the First Appeal to be served on all the parties.

[GAURI GODSE, J.]