

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 2325 OF 2019
IN
FIRST APPEAL NO. 885 OF 2003**

Shri. Navinchandra Chimanlal Desai
(deceased) thr. LRs Himanshu
Navinchandra Desai and Anr. ...Applicants

Versus

Shree Babu Jogi alias Rui Jose Fereria
(deceased) thr. LRs. Mrs. Maria C.
Lourendco and Anr. ...Respondents

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Mrs. Anjali Helekar for the Applicants.
Mr. A.J. Almeida for the Respondent Nos.2 and proposed Respondent
No.3.

**CORAM : M.M.SATHAYE J.
DATE : 8th DECEMBER 2023**

PC. :

1. Heard learned counsel for the Applicants and learned counsel for the Respondent No.2.
2. This is an application by the Appellants for bringing legal heirs of deceased Respondent No.1(a) Mrs. Maria Carmina Lourenco on record. Apparently there is stated delay of 5 years 66 days in filing this application.
3. The learned counsel for the Applicants submits that the

proposed legal heirs of Respondent No.1(a) are already on record in their personal capacity who are Respondent Nos. 1(b), 1(c), 1(d) & Respondent No. 2.

4. Considering the fact that the proposed legal heirs are already on record in their personal capacity, the delay is only technical. Therefore, considering the averments in the application and the aforesaid facts and circumstances, sufficient cause is made out.

5. Civil application is allowed in terms of prayer clauses (a) and (b). Delay is condoned. The Appellants are permitted to bring Respondent Nos. 1(b), 1(c), 1(d) & Respondent No. 2 on record as legal heirs and representatives of deceased Respondent No.1(a). Necessary amendment to be carried out within 2 weeks from today.

6. Civil application is disposed of accordingly.

7. All concerned to act on duly authenticated or digitally signed copy of this order.

[M.M.SATHAYE,J.]