

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 17453 OF 2023

IN

FIRST APPEAL NO. 3102 OF 2006

Fr. Cajetan Menezes

... Applicant

YUGANDHARA
SHARAD
PATIL

Digitally signed
by
YUGANDHARA
SHARAD PATIL
Date: 2023.11.29
11:00:55 +0530

IN THE MATTER BETWEEN

1. Fr. Joe D'Mello (deleted)

1a.Rev. Fr. Austin Norris

2. The Parish Priest and Trustees

... Appellants
(Orig. Defendants)

Versus

Mr. Setlla Simon Rozario (deleted
since deceased)

1(a) Smt. Babras Francis Pereira & Ors.

... Respondents

Mr. J.M. D'sliva , Advocate for the Applicant.

Mr. Santosh Parad , Advocate for the Respondent-MCGM.

CORAM: M.M.SATHAYE J.

DATE : 28th NOVEMBER 2023

PC. :

1. Heard both sides. This is an Application filed by the Applicant to substitute his name as Appellant No. 1 in place of Rev. Fr. Nicholas Pereira (or Rev. Austin Norris) who was the earlier Priest/s and Trustee of the Appellant-Church.

2. It is submitted by the Applicant that Civil Application

Stamp No. 24217 of 2016 (CA No. 4756/2016) and Interim Application Stamp No. 19257 of 2022 were taken out to implead the previously appointed parish Priests. However, before any order could be secured, in the said applications, during their pendency, the present Parish Priest has been appointed and therefore present Application has been filed.

3. The learned Counsel for the Applicant states that he has served Advocate Mr. P. M. Shah who appears for Respondent No. 1a to 1e and Respondent No. 2 (Org. Plaintiffs) and undertakes to file affidavit of service within one week from today.

4. Heard the learned counsel for Respondent No. 3-Municipal Corporation. Perused the letters of appointment dated 30.05.2023 by which the present Applicant is appointed as parish Priest of the Appellant-Church, which shows name of present Applicant as appointed Parish Priest.

5. Considering the aforesaid facts and circumstances, the Interim Application is allowed in terms of prayer clause (b). Name of the Applicant be substituted as Appellant No. 1 in place of present name. Necessary amendment be carried out within a period of 2 weeks from today, with the service of amended copy upon Respondents simultaneously.

6. Interim Application is disposed of in the aforesaid terms.

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

[M.M.SATHAYE,J.]