

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

**CIVIL APPLICATION NO. 2324 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.
Lourenco and Ors. ...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 Respondent No.2.

2. This is an application for adding proposed Respondent No.3 as
a party to the above appeal. Learned counsel for the Respondent
No.2 submits that he had infact filed vakalatnama for proposed
Respondent No.3; however, as on today Respondent No.3 has
expired on 20.10.2021 and before his death, he has transferred the
subject matter property to one Devika Village Resorts Pvt. Ltd. by a

sale deed dated 19.08.2021.

3. In view of the aforesaid statement made by learned counsel for Respondent No.2, the learned counsel for the Applicants seeks leave of this Court to withdraw the present application with liberty to file a fresh application for bringing the said third party on record.

4. In that view of the matter, this Interim Application is disposed of as withdrawn, with liberty granted as prayed.

[M.M.SATHAYE,J.]