

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**INTERIM APPLICATION NO. 14893 OF 2023**  
**IN**  
**FIRST APPEAL NO. 1168 OF 2007**

VARSHA  
DEEPAK  
GAIKWAD  
Digitally signed by  
VARSHA DEEPAK  
GAIKWAD  
Date: 2024.04.22  
18:03:51 +0530

Anthony David Fernandes ... Appellants/Applicants  
(Deceased) through Lrs. Carmeline  
Anthony Fernandes and Ors.

V/s.

Mohammed Hasan Bakal (deceased) ... Respondents  
through Lrs. 1) Kumar Taj Mirjalili  
and Ors.

-----  
Mr. Swapnil Mhatre I.by Ms. Vrushali Kabre, for the applicants.

Mr. Mohamed Nawaz Hainday with Gazala Parveen Shaikh I.by  
Fidem Lex Aditi Yogesh Dave, for the respondents.

-----  
**CORAM : KISHORE C. SANT, J.**

**DATE : 22ND APRIL 2024.**

**PC:**

1. This application is for bringing on record legal heirs of deceased deceased appellants Nos. 2 and 3 namely Thomas Anthony Fernandes who died on 21/07/2022 and Sylvia Savio Alfonso who died on 9/03/2022. There is delay of 313 days in bringing legal heirs of deceased appellant no. 2 on record. So far as deceased appellant no. 3 is concerned, there is delay of 1 years and 82 days.

2. For the reasons stated in the application, the application is

allowed.

3. Delay stands condoned.

4. Necessary amendment be carried out in the cause title of the appeal and also applications within four weeks from today. If the amendment is carried out, the parties are at liberty to move this court for fixing early date of the appeal.

5. Interim application stands disposed of.

(KISHORE C. SANT, J)