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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 352 OF 1988

WITH

INTERIM APPLICATION NO. 6544 OF 2024

INTERIM APPLICATION NO. 6547 OF 2024

INTERIM APPLICATION NO. 6545 OF 2024

INTERIM APPLICATION NO. 6548 OF 2024

INTERIM APPLICATION NO. 6542 OF 2024

INTERIM APPLICATION NO. 6549 OF 2024

IN

SECOND APPEAL NO. 352 OF 1988

Francis Simav Dmello (Deceased
thr LRs) and ors

.....Appellants

Vs.

Robert Francis Dmello (Deceased Thr. LRs)
and ors

.....Respondents

Mr. Akshay S. Karlekar i/b Ms. Rani Girish Shinde for the
appellants/applicants

Ms. Sayali Gangal h/f Mr. Dhanesh Patekar for respondent nos. 1, 2,
3/1, 3/3, 1(a) to 1(c)

CORAM : GAURI GODSE, J.

DATE : 21st NOVEMBER 2024

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ORDER:

SECOND APPEAL NO. 352 OF 1988:

1. Learned advocate for the appellants on instructions seeks leave
to delete respondent nos. 4 to 9.

2. Leave granted. Appellants are permitted to delete the said respondents at the risk of the appellants. Amendment to be carried out forthwith, in the Court.

3. Learned advocate for the appellants shall supply copy of the amended memo upon learned advocate appearing for respondent nos. 1 to 3. Amended memo also to be filed in the Registry.

4. Learned advocate appearing for respondent nos. 1, 2, 1(a) to 1(c), 3/1 and 3/2 waives notice of the second appeal.

INTERIM APPLICATION NO. 6547 OF 2024:

5. Office has not placed the copy of the application before me. Learned advocate for the applicants tendered the copy of the application which is taken on record. This application is for permission to delete deceased appellant nos. 1-1-1 and 1-2.

6. Application is allowed in terms of prayer clause (a). Amendment to be carried out forthwith, in the Court.

INTERIM APPLICATION NO. 6548 OF 2024:

7. This application is for deleting the name of deceased respondent no. 2. Learned counsel for the applicants submits that heirs of

deceased respondent no. 2 are already on record in different capacity. He submits that the particulars are stated in paragraph 2 of the application.

8. For the reasons stated in the application, the application is allowed in terms of prayer clause (a). Amendment to be carried out forthwith, in the Court.

INTERIM APPLICATION NO. 6542 OF 2024:

9. This application is for bringing on record names of deceased respondent no. 7-7-1(B) and 7-7-3.

10. By a separate order, the appellant is already permitted to delete the said respondent. Hence, this application has become infructuous.

11. Application is disposed of as infructuous.

INTERIM APPLICATION NO. 6549 OF 2024:

12. This application is for bringing on record names of heirs and legal representatives of deceased respondent no. 1.

13. Learned counsel for the applicants submits that the application is within time.

14. Application is allowed in terms of prayer clause (a). Amendment to be carried out forthwith, in the Court.

INTERIM APPLICATION NO. 6544 OF 2024 AND INTERIM APPLICATION NO. 6545 OF 2024:

15. Office has not placed copies of these applications. Learned counsel for the applicants tendered the copies of the applications which are taken on record.

16. These applications are for bringing on record names of heirs and legal representatives of deceased respondent no. 9 and respondent no. 7-4 respectively.

17. By a separate order, appellants are permitted to delete the said respondents, hence, these applications have become infructuous.

18. Hence, applications are disposed of as infructuous.

19. Add the second appeal to the weekly final hearing board commencing from 2nd December 2024.

[GAURI GODSE, J.]