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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
INTERIM APPLICATION (L) NO.8824 OF 2024  
IN  
GUARDIANSHIP PETITION NO.1 OF 2024**

|                                         |                       |
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| <b>Steffi Genoveno Fernandes</b>        | <b>...Applicant</b>   |
| <b>In the matter between</b>            |                       |
| <b>Vincy Cajetan Noronha &amp; Ors.</b> | <b>...Petitioners</b> |

***Versus***

|                                  |                      |
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| <b>Steffi Genoveno Fernandes</b> | <b>...Respondent</b> |
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Arshad Shaikh, Senior Advocate, Susan Abraham, Narayana B. and D. Brijesh for the Petitioners.

Mr. Rajendra Sorankar, i/b. Ketan Dabke, for the Respondent / Applicant.

Pallavi Upadhyay, Consultant of JPMC Company – Defendant No.5.

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**CORAM : R.I. CHAGLA J.  
DATE : 24TH APRIL, 2024.**

**ORDER :**

1. By this Interim Application, the Applicant / Respondent in Guardianship Petition No.1 of 2024 has sought recall of orders dated 8th January, 2024 and 23rd January, 2024 allowing the Petitioners to amend the Guardianship Petition No.1 of 2024 and restore the Petition to its original cause.

2. It is necessary to note that the Guardianship Petition No.1 of 2024 had been earlier filed as Miscellaneous Civil Application (L) No.301 of 2023 before the District Court at Thane. The orders dated 8th January, 2024 and 23rd January, 2024 were passed by the District Court at Thane. Admittedly, the Respondent in Guardianship Petition No.1 of 2024 was not served notice of the application for amendment and hence opportunity was not granted to the Respondent to be heard at the time when the amendment application was allowed by the District Court, Thane.

3. Having perused the order of the District Court, Thane hand written along side the cause title of the amendment application, the order records that the other party had not appeared before the Court and amendment being technical in nature is granted. Such an order requires to be recalled in view of the fact that the Respondent herein had not been served with the amendment application and hence there was no question of the Respondent appearing before the Court when such order was passed.

4. Accordingly, it would be appropriate to hear the amendment application on merits after recalling the orders dated 8th

January, 2024 and 23rd January, 2024 by giving opportunity to the Respondent herein.

5. The orders dated 8th January, 2024 and 23rd January, 2024 allowing the Petitioners to amend the Guardianship Petition No.1 of 2024 which was earlier Civil Miscellaneous Application No.301 of 2023 before the District Court, Thane is recalled and the amendment application shall be restored to file to be heard on merits.

6. The Interim Application is accordingly allowed in terms of prayer Clause (a).

7. The amendment application shall be placed along with Petition on 26th April, 2024 at 12.30 p.m.

8. Mr. Sorankar appearing for the Respondent at this stage seeks leave to file Affidavit in Reply to the amendment application.

9. Affidavit in Reply shall be filed by tomorrow i.e. 25th April, 2024.

10. The Respondent No.5 shall remain present in Court on the next date. The notice of the next date shall be informed to Respondent No.5.

[ R.I. CHAGLA J. ]