
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

INTERIM APPLICATION NO.3660 OF 2024

IN

APPEAL NO.360 OF 2019

IN

SUIT NO.742 OF 1993

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KAKASAHEB
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Unique Estates Development Co. Ltd.

.. Applicant/
Org.Appellant/
Org.Plaintiff

In the matter between:-

Unique Estates Development Co. Ltd.

.. Appellant/
Plaintiff

Versus

Eldred Anthony Nicholas Lobo

.. Org. Respondent

AND

Mary Magdalene Lobo & Ors.

.. Proposed Respondents

**Mr.Nirav Barot a/w Vahista Jagirdar i/b Maneksha and
Sethna**, Advocates for the Applicant/Petitioner.

Mr.Dhyan Shah i/b Rajesh Kothari & Co., Advocates for
Respondents.

**CORAM: B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**
DATE : DECEMBER 16, 2024

P. C.

1. The above Interim Application is filed by the Original Appellant to bring on record the legal heirs of the Original Respondent, who expired on 24th December 2022.

2. The learned advocate appearing on behalf of the Applicant-Appellant submitted that though the Original Respondent expired in the year 2022, the same was brought to the notice of the Appellant only in 2024 by the advocates for the Respondent vide their letter dated 13th November 2024. The present application for amendment is filed on 26th November 2024. He, therefore, submitted that the amendment be allowed and the legal heirs of the Original Deceased Respondent be brought on record.

3. The learned advocate appearing on behalf of the Original Deceased Respondent, on instructions, has stated that he is also appearing for the proposed heirs who are sought to be brought on record. He fairly stated that considering the aforesaid circumstances,

the legal heirs have no objection if they are brought on record in place of Original Deceased Respondent.

4. Considering the stand taken by the learned advocate appearing on behalf of the Proposed Respondent, the Applicant/Appellant is permitted to amend the above Appeal as well as all Interim Applications filed therein in terms of the schedule annexed to the above Interim Application.

5. The amendment shall be carried out within a period of two weeks from today and the amended copy of the Appeal, along with all Interim Applications therein shall be served on the advocates for the newly added Respondents immediately thereafter.

6. The Interim Application is disposed of in the aforesaid terms. However, there shall be no order as to costs.

7. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN,J.]

[B. P. COLABAWALLA, J.]