

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 46 OF 2025

IN

FIRST APPEAL NO. 1086 OF 2022

Patricia Farrell Fernandez
Since deceased Thr. LRs.

...Applicant.

In the matter between :

Patricia Farrell Fernandez
Since deceased.

...Appellant.

Versus

Commissioner of Mumbai Municipal
Corporation of Greater Mumbai and Others.

...Respondents.

*Mr. Sunny Shah, Mr. Pradip Shukla, Mr. Rajdutta Kakade, DivakarN. Dedhich i/b
Pradip Shukla & Co., for the Appellants.
Ms. Vidya Vyavhare for the Respondent-Corporation.
Mr. P. J. Thorat i/b Adiit Naikare for the Respondent No. 2.*

Coram : Sharmila U. Deshmukh, J.

Date : January 2, 2025.

P. C. :

1. Not on board. Upon mentioning, taken on production board.
2. At the outset, learned Counsel appearing for the Applicant seeks leave to amend the Interim Application to incorporate prayer for setting aside abatement. Leave granted. Necessary amendment to be carried out forthwith.

3. Interim Application has been preferred by the legal heirs of the deceased Appellant to be joined as party in view of the death of original Appellant.
4. Considering prayers in the Interim Application, Mr. Thorat, learned Counsel appearing for Respondent No.2 would seriously oppose the grant of Application
5. Although there is opposition in view of the manner in which the Interim Application has been drafted, it is clear that the Interim Application has been preferred by the legal heirs of sole Appellant who had expired on 23rd February 2024. As I intend to hear the First Appeal finally at the admission stage, the Interim Application is allowed. Amendment to be carried out forthwith.
6. List the First Appeal on **6th January 2025** at 4.00 p.m. for final hearing.
7. Copy of the private compilation of documents be served upon all the parties by 4th January 2025.
8. As the Appeal is being heard finally, till 6th January 2025 no coercive action be taken by the Respondent-Corporation.

[Sharmila U. Deshmukh, J.]