

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

INTERIM APPLICATION NO. 3172 OF 2025
IN
SUIT NO. 979 OF 2014

Mealante Valladares	...Applicant
<u>In the matter between</u>	
Mealante Valladares and Ors.	...Plaintiffs
V/s.	
Heather Elaine D'Souza and Ors.	...Defendants

Mr. Meezan Patel i/b Mr. Amol Doijode for the Applicants.
Mr. Darryl Periera, through VC for Defendants No. 1,2,8 to 11A and 11B.
Ms. Pooja Bandgar i/b Bhandary & Bhandary for the Defendants No. 4 to 6.

CORAM : ABHAY AHUJA, J.
DATE : 9th JULY, 2025

P.C. :

1. This Interim Application has been taken out by the Applicant / Plaintiff since by order dated 9th June, 2025, the amendments to the Plaint and Notice of Motion No. 101 of 2015 was permitted and Notice of Motion No. 461 of 2018 remained to be included in the prayers as well as in the schedule through inadvertence.

2. Mr. Patel, learned Counsel appearing for the Plaintiff submits that, therefore, in terms of the order dated 9th June, 2025, this Interim Application also be allowed and the Notice of Motion No. 461 of 2018

allowed to be amended as per the schedule contained in the Interim Application.

3. Mr. Periera, learned Counsel appears for the Defendants No. 1, 2, 8 to 11(a) and 11(b) has no objection if the Application is allowed.

4. Having heard the learned Counsel and having considered the submissions, this Court is of the view that the delay, if any, be condoned and the Interim Application be allowed.

5. The Interim Application is allowed in terms of prayer Clauses (a) to (e), which read thus:-

“a) delay of 22 days be condoned.

b) the name of Defendant No. 3 be allowed to be deleted in Notice of Motion No. 461 of 2018.

c) the heirs and legal representatives of Defendant No. 11 as Defendant No. 11(a) and Defendant No. 11(b) be allowed to be impleaded in place and stead of Original Defendant No. 11, Cedric Adrian D’Souza in Notice of Motion No.461 of 2018.

d) to amend the cause title in the Notice of Motion No. 461 of 2018 as per the Schedule hereto and the same be allowed to be carried out.

e) the consequential amendments in the Notice of Motion No. 461 of 2018 be allowed.”

6. Let the amendments be carried out within a period of two weeks. Let the amended proceedings be served on the other side within a period of two weeks thereafter and an appropriate affidavit of service be filed in this regard.

7. Mr. Pereira, learned Counsel appearing for the newly added Defendants No. 11(a) and 11(b) waives service on behalf of the Defendants No. 11(a) and 11(b).

8. The Interim Application accordingly stands allowed and disposed as above.

(ABHAY AHUJA, J.)

NIKITA
YOGESH
GADGIL

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