



Swapnil

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 11930 OF 2024**

IN

SECOND APPEAL (STAMP) NO. 13377 OF 2014

Garfield Johnson Carvalho and Ors. ... Applicants

Vs.

Mercy Andrews D'souza and Ors. ... Respondents

Mr. Sanjay S. Naik i/b. Mr. R. D. Suryawanshi for the
applicants.

Mr. Anil D'Souza a/w. Mr. Ernest Tuscano a/w. Mr. Mark
Dbritto for respondent nos. 2B to 2F.

Mr. Prathmesh Seth a/w. Mr. Joseph Fernandes and Ms.
Trupti Gosavi for respondent nos. 5 to 7.

CORAM : GAURI GODSE, J.

DATE : 8th APRIL 2026

ORDER :

1. This application is for bringing on record the names of the heirs and legal representatives of deceased respondent no.1 and for deleting the name of respondent no.4.

2. In order dated 23rd August 2024, it is recorded that the advocate who appeared for respondent nos. 1A, 1C, and 1D waives notice. Respondent no. 1B was unserved. Hence,

fresh notice was issued to respondent no.1B. Office note dated 1st April 2026 states that respondent no. 1B is served.

3. Though served none appears for respondent no. 1B. None of the proposed respondents have opposed this application.

4. I have perused the application. The applicants have stated in paragraph 9 that respondent no. 4 expired and the heirs and legal representatives are already on record in different capacity as respondent nos. 5 to 7.

5. In the facts and circumstances of the case, delay is condoned and the application is allowed by passing following order :-

ORDER

1. Delay is condoned.
2. Abatement, if any, is set aside.
3. The applicants are permitted to bring on record respondent nos. 1A to 1D as the heirs and legal representatives of deceased respondent no.1 in Civil Application No. 1396 of 2014.

4. The applicants are permitted to delete respondent no.4.
5. Amendment to be carried out within three weeks.

[GAURI GODSE, J.]