

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION

TESTAMENTARY SUIT NO. 39 OF 1989
WITH
NOTICE OF MOTION NO. 77 OF 2008
IN
TESTAMENTARY SUIT NO. 39 OF 1989

Xavier Hillary Goffrey Almeida (Since Decd.)
& Greta Magdalena Almeida ... Plaintiff

V/s.

Rui F. Rodrigues & Ors. ... Defendants

WITH
INTERIM APPLICATION NO. 584 OF 2021
IN
TESTAMENTARY SUIT NO. 39 OF 1989
WITH
TESTAMENTARY SUIT NO. 7 OF 2012
IN
TESTAMENTARY PETITION NO. 1060 OF 2008
WITH
CAVEAT IN TESTAMENTARY NO. 56 OF 2019
IN
TESTAMENTARY SUIT NO. 7 OF 2012
WITH
SUIT NO. 1947 OF 1992
WITH
CHAMBER SUMMONS NO. 548 OF 2019
IN
SUIT NO. 1947 OF 1992
WITH
INTERIM APPLICATION (L) NO. 27290 OF 2025
IN
SUIT NO. 1947 OF 1992

Rui Francisco Rodrigues .. Applicant/Org.
Plaintiff

In the Matter between:

Rui Francisco Rodrigues .. Plaintiff

V/s.

M/s. Shivam Enterprises & Ors. .. Defendants

WITH
INTERIM APPLICATION NO. 5599 OF 2025
IN
SUIT NO. 1947 OF 1992

Rui Francisco Rodrigues	..	Applicant/Org. Plaintiff
<u>In the Matter between:</u>		
Rui Francisco Rodrigues	..	Plaintiff
V/s.		
M/s. Shivam Enterprises & Ors.	..	Defendants

WITH
MISC. PETITION (TESTAMENTARY) NO. 64 OF 2011
IN
TESTAMENTARY PETITION NO. 1060 OF 2008
WITH
NOTICE OF MOTION (TESTAMENTARY) NO. 77 OF 2008
IN
TESTAMENTARY SUIT NO. 39 OF 1989

Mr. Dinesh P. Guchiya for Plaintiff in TS/39/1989 & S/1816/1989 & Defendants in S/1947/1992 & TS/7/2012.

Mr. Hamza Lakdawala a/w Ms. Shraddha Kadam & Ms. Vaishnavi Kamble for Defendants in TS/39/1989 & Plaintiff in S/1947/1992 & TS/7/2012.

CORAM : FARHAN P. DUBASH, J.

DATE : 9th MARCH 2026

P. C.:

INTERIM APPLICATION (L) NO. 27290 OF 2025

1. By this Interim Application, the Applicant seeks to delete Defendant no. 2(A) from the array of parties in the captioned suit, since Defendant no. 2(A) is stated to have passed away on 1st May 2020.

2. Mr. Dinesh P. Guchiya, learned Counsel who appears on behalf of the Applicant, submits that the legal heirs of Defendant no. 2(A) are already on record and therefore no further parties are required to be impleaded on this ground.

3. Considering this, the delay in filing the present Interim Application is condoned and the Applicant is permitted to delete Defendant no. 2(A) from the array of parties in the captioned suit and all Interim Applications preferred therein.

4. This amendment shall be carried out, on or before 16th March 2026.

5. Re-verification is dispensed with.

6. The Interim Application is disposed of with no order as to costs.

INTERIM APPLICATION NO. 5599 OF 2025

7. The present Interim Application has been taken out by the Applicant who seeks to delete Defendant no. 6 as a party Defendant and to add her heirs and legal representatives viz., Proposed Defendant no. 6(A), 6(B) and 6(C) as party Defendants.

8. After perusal of the present Interim Application, this Court is satisfied with the reasons set out therein and accordingly, the delay of 454 days in preferring the same is required to be condoned and the said Interim

Application is required to be allowed in terms of the following order:

::ORDER::

- (i) The delay of 454 days in filing the present Interim Application is condoned.
- (ii) The Applicant is permitted to carry out the amendment in terms of the Schedule annexed to the present Interim Application.
- (iii) This amendment shall be carried out, on or before 16th March 2026.
- (iv) Re-verification is dispensed with.
- (v) The Interim Application is disposed of with no order as to costs.

(FARHAN P. DUBASH, J.)