

IN THE COURT OF SMALL CAUSES AT MUMBAI
(BANDRA BRANCH)

ORDER BELOW EXHIBIT- 23

IN

R. A. D. SUIT NO. 204 OF 2022

CNR: MHSCA30005362022

Vishal Mohan Shiri and ors.

..Plaintiff

Vs.

Mr. Terrence D. Fernandes and ors.

..Defendant

Appearance :-

Mr. Bhatia Dilip, Ld. Advocate for the plaintiff.

Mr. Manjrekar S.S. Ld. Advocate for the defendant No.1 to 7.

Mr.H. S. Sonkar Ld. Advocate for the Ld. Advocate No. 8 to 10.

Coram : L. B. M. M. A. Syed,
Judge, C. R. No.35,
Date: 25th April, 2026

: ORDER :

This is an application filed by the plaintiff for carry out amendment in the plaint.

2. The plaintiff has filed the present suit against the defendants for allowing the plaintiff to deposit 72,000/- from 1st January 2016 till 31st January, 2022 and other reliefs. On 28.07.2025 the Ld. Advocate for the defendant No. 8 to 10 sent a letter stating that the defendant No.9 Mr. Bonnie Paul Gomes has died on 04.07.2025. The defendant No.9 expired leaving behind his widow wife Mrs. Jennifer Bonnie Gomes. Therefore, plaintiff prayed for the consequential amendments in the plaint.

3. Defendant No.1 to 7, 8 and 10 have filed their say overleaf of the application. The defendant No.1 to 7 have no

objection to the application on the other hand defendant No.8 and 10 strongly objected the application.

4. Heard both the Ld. Advocates for the respective parties. Perused the record and proceedings. According to the plaintiff, defendant No.9 died leaving behind his legal heirs and representatives. Present consequential amendment is necessary for proper adjudication of the present suit. Hence, it would be proper to permit to bring the legal heirs of deceased defendant No.9 on record on record and to make amendment as per schedule. If this application is allowed no prejudice would be caused to the other side. The right to sue survives. Therefore, application is allowed. Hence, I proceed to pass the following order.

: O R D E R :

1. The application is partly allowed.
2. The plaintiffs are permitted to make consequential amendment in the plaint as per schedule.
3. The plaintiffs are directed to file amended copy of the plaint for court record and supply the same to the defendants till next date.
(Dictated and pronounced in open court)

(L.B.M.M.A. Syed)
Judge,
C.R. No.35 (BB)

Date : 25.04.2026

Dictated On : 25/04/2026
Checked and signed on : 25/04/2026