

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

TESTAMENTARY SUIT NO. 39 OF 1989

**Xavier Hillary Geoffrey Almeida(Since Deceased) & Ors. .. Plaintiffs
V/s.**

Rui F Rodriques And Ors. .. Defendants

**WITH
NOTICE OF MOTION (TESTAMENTARY) NO. 77 OF 2008
IN
TESTAMENTARY SUIT NO. 39 OF 1989
WITH
INTERIM APPLICATION NO. 584 OF 2021
IN
TESTAMENTARY SUIT NO. 39 OF 1989
WITH
SUIT NO. 1816 OF 1989
WITH
COURT RECEIVER EXECUTION NO. 21 OF 1985
IN
SUIT NO. 1816 OF 1989
WITH
INTERIM APPLICATION NO. 323 OF 2021
IN
SUIT NO. 1816 OF 1989
WITH
INTERIM APPLICATION (L) NO. 14436 OF 2023
WITH
TESTAMENTARY SUIT NO. 7 OF 2012
IN
TESTAMENTARY PETITION NO. 1060 OF 2008
WITH
CHAMBER SUMMONS (TESTAMENTARY) NO. 56 OF 2019
IN
TESTAMENTARY SUIT NO. 7 OF 2012**

WITH
INTERIM APPLICATION (L) NO. 12906 OF 2026
IN
TESTAMENTARY SUIT NO. 7 OF 2012

Rui Francisco Rodrigues .. Applicant

In the matter between:

Rui Francisco Rodrigues .. Plaintiff

V/s.

Xavier Hilary Geoffrey Almeida (Since Deceased) & Ors... Defendants

WITH
SUIT NO. 1947 OF 1992
WITH
CHAMBER SUMMONS (SUITS) NO. 548 OF 2019
IN
SUIT NO. 1947 OF 1992
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. Hamza Lakdawala a/w Ms. Vaishnavi Kamble and Ms. Shraddha Kadam
for Plaintiff in TP/7/2012 and Defendants in TP/39/1989.

Mr. Bhuvan Singh i/b Mr. Dinesh Guchiya for Defendants in TS/7/2012.

CORAM : FARHAN P. DUBASH, J.

DATE : 15th APRIL 2026

P.C.:

INTERIM APPLICATION (L) NO. 12906 OF 2026

1. The present Interim Application seeks to implead the heirs and legal representatives of deceased Defendant no. 1 and deceased Defendant no. 1(A) who are stated to have passed away on 14th November 2018 and 1st May 2020 respectively.

2. There is no opposition to this Interim Application and accordingly, by consent, the following order is passed:

::ORDER::

- (i) The abatement, if any against deceased Defendant no. 1 and/or deceased Defendant no. 1(A) is hereby set aside and the Applicant is permitted to bring the heirs and legal representatives of deceased Defendant no. 1 and Defendant no. 1(A) in terms of the Schedule annexed to the present Interim Application on record.
- (ii) This amendment shall be carried out within one week from today.
- (iii) Re-verification is dispensed with.
- (iv) The amended pleadings shall thereafter be served on all the parties including the newly added parties.
- (v) The Interim Application is disposed of in terms of the above with no order as to costs.

3. Considering the aforesaid order, nothing survives in Chamber Summons No. 56 of 2019, which is also disposed of accordingly.
4. Place the matter on **29th April 2026** under the caption “For Filing Consent Terms”.

(FARHAN P. DUBASH, J.)

Shubham Gadhavepatil