

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Interim Application No.13569 of 2024

In

First Appeal (st) No. 17999 of 2024

With

First Appeal (st) No. 17999 of 2024

Indian Oil Corporation of India Ltd.

Mumbai

... Applicant

V/s.

Kaizar F. Pithapurwala & others

... Respondents

Mr. K.P. Anilkumar, Priyanka Kumar	Advocate for the Applicants.
Mr. Hasan Sayed i/b.R.A. Shaikh	Advocate for Respondent Nos.4A to 4C.
Mr. Shabir Kapadia	Advocate for Respondent in IA 13569/2024.
Mr. Samir Ranjan Sahoo	Representative of Appellant company present.

CORAM : S.M. MODAK, J

DATE : 19th September 2025.

P.C. :

Heard learned Advocate for the Applicant-Appellant.

2. Today it is clarified by learned Advocate for Respondent Nos.1 and 2 that Vakalatnama is already filed in the office and his name is already shown on the Board. In view of this there is no question of

dismissing the interim application for not serving Respondent Nos.1 and 2 as observed by learned Registrar (Judicial-1) in the order dated 9th September 2025. It is presumed that Respondent Nos.1 and 2 are duly served.

3. Respondent Nos.3 and 4 have expired and their respective Advocate vide their letter dated 18th July 2024 and 22nd July 2024 informed to the learned Advocate for the Appellant. On the basis of this, present application is filed for deleting their names and for bringing names of their respective legal representatives.

4. Learned Advocate Hasan Sayed and learned Advocate Mr. Kapadia appearing for Respondents submit that they will continue to represent their respective legal representatives. They waive notice and they have already filed Vakalatnama for the respective legal representatives.

5. In view of that the application is allowed in terms of prayer clause (a). Amendment be carried out within two weeks in the delay condonation application as well as in the proposed appeal. Amended copy be served on the respective Advocates of newly added Respondents. Interim Application No.13569/2024 is disposed of.

6. It is submitted on behalf of Respondent Nos.1 and 2 that the Applicant-Appellant is only aggrieved by Direction No.4 in the impugned judgment dated 18th October 2023. The Appellant is directed by the trial court to disburse the remaining amount to the

Plaintiffs and Defendant No.1 in the prescribed proportion along with interest at the rate of 10% per annum from the date of suit till realisation.

7. On the basis of instructions, learned Advocate for the Appellant submitted that they are ready to deposit the balance amount and amount of interest will be subject to further directions by the Court. He assures to deposit the said amount before the trial Court within the period of four weeks.

8. Stand over to 17th October 2025.

(S.M. MODAK, J.)