

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 7391 OF 2025
IN
FIRST APPEAL NO. 250 OF 1997

The Commander, Shri. Bhushan Kumar
Divan (Retd) & Anr.

.. Applicants/Appellants

Versus

Late Brig. Flavian D'Lima, (since deceased)
Ninad J. D'Lima & Ors.

.. Respondents

Adv. Anilkumar Patil a/w Adv. Digvijay A. Patil for the Applicants.

Adv. Brian D'lima for Respondent Nos. 3A to 3D in FA/249/1997 &
Respondent Nos. 1A to 1D in FA/250/1997.

CORAM: FIRDOSH P. POONIWALLA, J.

DATE: SEPTEMBER 26, 2025

P. C.

1. This Interim Application has been filed to bring on record the legal heirs of deceased Respondent No.1 who passed away on 28th July, 2024. The Application also seeks condonation of delay of 135 days in filing the Application.
2. The proposed Respondents have been served. The Advocate for the proposed Respondents states that there is no objection to the proposed Respondents being brought on record.

3. Even otherwise, the Application shows sufficient cause for condoning the delay, setting aside the abatement and for bringing the legal heirs of Respondent No.1 on record.
4. In these circumstances, the Interim Application is allowed in terms of prayers (b), (c) and (d).
5. The amendment to be carried out within a period of two weeks from today and amended copy be served on the other parties.
6. There will be no order as to costs.

[FIRDOSH P. POONIWALLA, J.]