

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**INTERIM APPLICATION NO. 7392 OF 2025**  
**IN**  
**FIRST APPEAL NO. 249 OF 1997**

The Commander, Shri. Bhushan Kumar  
Divan (Retd)

.. Applicant/Appellant

**Versus**

Brig. Kevin D'Lima (Retd) Dead thr. Lrs.  
Karl D'Lima & Ors.

.. Respondents

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**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.

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**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. There is also a prayer for setting aside the abatement and for condonation of delay in filing this Interim Application. The learned Advocate appearing on behalf of the proposed Respondents has no objection to the amendment being allowed.

**2.** Even otherwise, I have perused the Application and sufficient cause is shown to condone the delay in filing the Application, for setting aside the abatement and for bringing the legal heirs of deceased Respondent No.1

on record. Accordingly, Interim Application is allowed in terms of prayers (b), (c) and (d) which read as under :

*“b) This Hon'ble Court be pleased to condone delay of 12 yrs, 65 days/ IF ANY in filing the present Interim Application in the interest of justice.*

*c) This Hon'ble Court be pleased to set aside abetment IF ANY.*

*d) This Hon'ble Court be pleased to allow the present Interim Application and permit the Applicants to bring on record the Respondent No. 1A Karl D'Lima, Resp. 1B. Celia Roy, and Resp. 1C Venita Braganca as the heir and legal representative of deceased the Respondent No. 1. Late Brig. Kevin F. D'Lima as mentioned in the cause title of this Interim Application and consequential amendment in the First Appeal no. 249 of 1997.”*

**3.** Amendment to be carried out within a period of two weeks from today and amended copy of the same to be served on the other parties by that date. There will be no order as to costs.

**[FIRDOSH P. POONIWALLA, J.]**