

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

INTERIM APPLICATION NO. 2285 OF 2025
IN

SUIT NO. 175 OF 2023

Hanishi Ali Nee Thanawalla .. Applicant

In the matter between :

Rutang Kirit Thanawalla .. Plaintiff

Versus

Hanishi Ali Nee Thanawalla .. Defendant

WITH
INTERIM APPLICATION NO. 1224 OF 2023
WITH
TESTAMENTARY SUIT NO. 132 OF 2024
IN
TESTAMENTARY PETITION NO. 1438 OF 2022
WITH
SUIT NO. 175 OF 2023
WITH
TESTAMENTARY PETITION (L) NO. 23008 OF 2021

Adv. Aaditya Mapara i/b Dhruve Liladhar & Co., for the
Applicant/Plaintiff.

Adv. Tushar Kakalia, Bhakti Popat, for Applicant/ Org. Defendant.

CORAM: FIRDOSH P. POONIWALLA, J.

DATE: NOVEMBER 26, 2025

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1. This Application has been filed for condonation of delay of 90 days in filing the Written Statement.

2. The Application has been opposed by the learned counsel appearing on behalf of Plaintiff on the ground that the delay is not of 90 days but of 495 days. This is, of course, denied by the Defendant. The controversy about the period of delay arises on account of the fact, as to whether the Writ of Summons was served on the proper address of the Defendant.

3. Be that as it may, for the reasons stated in Interim Application, I am inclined to condone the delay subject to the payment of costs.

4. Accordingly, the Application is allowed in terms of prayer (a) thereof, subject to the Defendant paying to the Plaintiff costs of Rs. 10,000/-.

[FIRDOSH P. POONIWALLA, J.]