

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

**INTERIM APPLICATION NO. 1454 OF 2021
IN
SUIT NO. 2689 OF 1995**

Sonal Constructions and Ors.

...Plaintiffs

V/s.

Alexander George Tone and Ors.

...Defendants

**WITH
SUIT NO. 386 OF 1997
WITH
INTERIM APPLICATION NO. 2025 OF 2021
WITH
INTERIM APPLICATION NO. 2319 OF 2025
WITH
INTERIM APPLICATION NO. 251 OF 2025
WITH
INTERIM APPLICATION NO. 2025 OF 2021**

Mr. Akshay Borade with Mr. Yatin Shah for the Plaintiffs in Suit 2689/95.

Mr. Sanjiv Sawant with Mr. Ashwin Jajal for the Plaintiff No. 1a, 5a, 5b, 5c, 6a, 6b, 6c and 8 in Suit No. 386/97 and for the Applicants No. 3(a) to (c), 4(a) to (c) and 6 in IA 2025/21 and for Plaintiff No. 8 in IA 2319/25.

**CORAM : ABHAY AHUJA, J.
DATE : 17th NOVEMBER, 2025**

PC. :

Interim Application No. 251 of 2025

1. Pursuant to the order dated 23rd September, 2025, today when the matter is called out, Mr. Borade, learned Counsel appears for the Applicants and tenders across the bar additional affidavit dated 15th

November, 2025 submitting that the said affidavit specifies the reason for the delay in filing the Application.

2. Mr. Borade submits that after the death of the Plaintiff No. 3, the entire family was in great stress and due to trauma, the Application could not be filed immediately within the stipulated time. It is submitted that even in matters where the Plaintiff No. 3 was the Defendant, application could not be filed within the stipulated time and that, therefore, there is a delay of 145 days. It is submitted that the delay caused is neither intentional nor contumacious and that in the interest of justice, the same be condoned as valuable rights of property are involved in the Suit.

3. Mr. Sawant, learned Counsel appearing for the Defendants has no objection if the Application is allowed and draws this Court's attention to paragraph 3 of the order dated 23rd September, 2025, where also his no objection for the Defendants is recorded.

4. Having heard the learned Counsel and having considered their submissions, for reasons submitted before this Court and in the Application, this Court is of the view that the Interim Application be allowed in terms of prayer Clauses (a) to (d), which read thus:-

“(a) This Hon’ble Court be pleased to allow the Applicants to carry out amendments in the Suit and proceedings as per the Schedule annexed.

(b) Delay, if any, be condoned.

(c) Abatement, if any may be set aside.

(d) Consequential amendments be allowed to be carried out.”

5. Let the amendments as per the schedule be carried out within a period of two weeks. Let amended proceedings be served upon others within a period of two weeks thereafter and an affidavit of service be filed.

6. The Interim Application is accordingly allowed and disposed as above.

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7. Mr. Sawant submits that this Court may consider deciding this Application on the next date.

8. List on **22nd December, 2025** along with other Interim Applications.

9. Parties are at liberty to explore amicable settlement.

(ABHAY AHUJA, J.)