

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

INTERIM APPLICATION NO. 2324 OF 2025
IN
SUIT NO. 386 OF 1997

GRACY JOHN TONE AND OTHERS)...APPLICANTS
IN THE MATTER OF
ALEXANDER GEORGE TONE AND OTHERS)...PLAINTIFFS
V/s.

SONAL CONSTRUCTIONS (since dissolved))
AND OTHERS)...DEFENDANTS

Mr.Sanjiv Sawant i/by Mr.Ashwin Jajal, Advocate for the Applicants.
Mr.Yatin Shah, Advocate for the Defendants.

CORAM : ABHAY AHUJA, J.

DATE : 23rd SEPTEMBER 2025

PC. :

1. This Interim Application seeks to bring on record the heirs of the deceased Plaintiff no.4.
2. Mr.Sawant, learned Counsel, appears for the Applicants and submits that since the heirs of the Plaintiffs are staying abroad, there has been a delay of 606 days in filing this application.

3. Mr.Sawant draws this Court's attention to paragraphs 6 to 8 of the application to explain the cause for the delay. Mr.Sawant, accordingly, submits that the delay be condoned, the resulting abatement be set aside and the heirs of the deceased Plaintiff no.4 referred to in paragraph 5 of the application be brought on record.

4. Mr.Yatin Shah, learned Counsel, appearing for the Defendants has no objection if the Interim Application is allowed.

5. Having heard the learned Counsel and having considered the submissions and the explanation in paragraphs 6 to 8 of the application for the cause of delay, this Court is of the view that the application be allowed in terms of prayer clauses (a) to (c) which read thus :

“(a) That this Hon'ble Court be pleased to condone the delay of about 606 days in filing the present application.

(b) That this Hon'ble Court be pleased to pass an order setting aside the abatement, if any, of the Suit as against Plaintiff no.4.

(c) That this Hon'ble Court be pleased to pass an order permitting the Applicants to be brought on record as Plaintiff nos.4A, 4B and 4C being the legal heirs of the deceased Plaintiff no.4.”

6. Let the amendment be carried out within a period of three weeks and the amended proceedings be served in two weeks thereafter and an appropriate Affidavit of service be filed.

7. The Interim Application, accordingly, stands allowed and disposed as above.

(ABHAY AHUJA, J.)