

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

INTERIM APPLICATION NO. 3016 OF 2025
IN
SUTT NO. 2524 OF 2012

Daria Douglas Lobo	...Applicant
<u>In the matter between</u>	
Lymphia Edward Britto & Ors.	...Plaintiffs
V/s.	
Ajib Investors Pvt. Ltd. and Ors.	...Defendants

Mr. Kunal D. Nawale for the Applicant.
Ms. Kashvi Ail i/b MR. Ameet Palkar for the Defendant No.1.
Ms. Vaishali Ugale i/b Ms. Komal Punjabi for the Defendant No.2-BMC.
Ms. Kavita Dhanuka i/b Ms. Dhruti Kapadia for the Defendant No.5-SRA.

CORAM : ABHAY AHUJA, J.
DATE : 17th JULY, 2025

P.C. :

1. This Interim Application seeks substitution of the deceased Plaintiff No.3 by the Plaintiff No. 3 (a) after condonation of delay of 87 days.
2. The other learned Counsel appearing in the matter have no objection, if the Application is allowed.
3. Having heard the learned Counsel and having perused the Application, this Court is of the view that the delay of 87 days in filing the Application be condoned.

4. Accordingly, the delay of 87 days in filing the Application is condoned and the Application is allowed in terms of prayer Clauses (a), (b) and (c), which read thus:-

“(a) That the delay of 87 days in filling the present Interim Application be condoned in the interest of justice.

(b) That the Applicant be permitted to be impleaded as Plaintiff No. 3(a) in place and instead of Deceased Plaintiff No. 3 by amending the Plaint as per Schedule annexed hereto.

(c) That the consequential amendments be permitted.”

5. Let the amendments be carried out within a period of two weeks and let the amended Plaint be served on the other side within a period of two weeks thereafter and an appropriate affidavit of service be filed.

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

(ABHAY AHUJA, J.)

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