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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.11341 OF 2025
IN
FIRST APPEAL NO.363 OF 2016

Neetu Kohli Alias Anita Kohli

Thr. His Lrs.1.1 J.P. Kohli

...Applicant-Appellant

Versus

A. P. Thomas (since deceased)

Thr. Heir and representatives Nevin

Mark Peters

...Respondent

Mr. Ashwin Shete and Mr. Atharva Gade i/b Jayakar & Partners, for the
Petitioner.

Mr. Nevin Mark Peters, Respondent No.1 in-person present.

CORAM : JITENDRA JAIN, J.

DATED : 18 NOVEMBER 2025

P. C.:

1. This interim application is taken out to seek condonation of delay of 2 years and 9 months in bringing legal heirs of the original appellant on record.

2. In the application, the applicants have relied upon the decision of the Hon'ble Supreme Court in Suo Moto Writ Petition No.3 of 2022 to explain the delay upto 20 February 2022. Thereafter, the applicants have stated that in March 2025, when the matter was listed, the advocate contacted the client and it is at that point of time, the client

informed the advocate that the original appellant has passed away. The advocate thereafter explained the process of bringing legal heirs on record and on 13 June 2025, the present application was filed.

3. I have heard learned counsel for the applicants and the respondent no.1 who is present in the Court. Although there is a delay, the applicants have explained the same and looking at the reasons given in the application, the delay in bringing the legal heirs on record is condoned. It is also important to note that a similar application is made by the respondent in the execution application before the Trial Court. In any view of the matter, being satisfied with the reasons given in the application, the delay in bringing legal heirs on record is condoned subject to payment of cost of Rs.25,000/- to respondent no.1 within four weeks from today. If the cost is not paid within four weeks from today then the present order would stand withdrawn. The Interim Application is allowed in terms of prayer clauses (a), (b) and (c). Legal heirs to be brought on record within four weeks from today as per Exhibit-B to the present application.

4. The Interim Application is disposed of in above terms

[JITENDRA JAIN, J.]