

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

INTERIM APPLICATION NO. 2584 OF 2025
IN
APPEAL NO. 321 OF 2017

Michael Joseph Andrade ... Applicant

In the matter between

Vellie Mary Andrade and Ors. ... Appellants

Versus

Mrs. Glory Immaculate D'Sylva and Ors. ... Respondents

Mr. Amrut M. Vernekar, for the Applicant and Appellant Nos.1(a) to 1(d).

Ms. Akanksha A. Mishra a/w Ms. Vaishnavi Vyas, for the Respondent Nos.1(a) to 1(c).

Ms. Kiran P. Chandorkar, for the proposed Respondent Nos.2(a), 2(b) and 2(c).

Ms. Ashna Shah i/b Mr. Sean Wassoodew, for the Respondent No.3.

CORAM : SARANG V. KOTWAL &
SANDESH D. PATIL, JJ.

DATE : 12th MARCH, 2026.

P.C.:

1. This is an Interim Application in pending Appeal No.321 of 2017. This Application is filed because the original Respondent No.2-

Etty Cathleen Netto had passed away. The Application mentions that she passed on 15/08/2024 at Oyster Pay Town, County of Nassau, State of New York, U.S.A. It is the case of the Applicant that he learnt about her death a few days after her death. She was sister of his mother but he did not have her Death Certificate and did not have the full names and addresses of her legal heirs therefore, he could not immediately make an application to bring the legal heirs on record. Hence, there was delay in preferring this Application. The Application thereafter mentions the various correspondence which ultimately resulted the Applicant in getting the requisite information and copy of the Death Certificate. Considering these statements in the Application and on hearing the learned Counsel for the Applicant, we are inclined to allow this Application.

2. Learned Counsel appearing for the Respondents have no objection. Even learned Counsel appearing for the proposed Respondents have no objections, she undertakes to file her Vakilpatra in the main Appeal.

3. In this background, following Order is passed:

ORDER

(i) The Interim Application No.2584 of 2025 is allowed. The delay of 150 days in making this Application for setting aside the abatement of Appeal No.321 of 2017 against deceased-Respondent No.2 is condoned.

(ii) The delay of 210 days in making this Application for bringing the legal heirs of Respondent No.2 on record in Appeal No.321 of 2017 is condoned.

(iii) The abatement of Appeal No.321 of 2017 against the deceased-Respondent No.2 is set aside.

(iv) The Applicant is permitted to bring the legal heirs mentioned in the Schedule of this Application to be brought on record in Appeal No.321 of 2017.

(v) The amendment be carried out within a period of three weeks from today. Reverification is dispensed with.

(vi) Interim Application No.2584 of 2025 is disposed of.

(SANDESH D. PATIL, J.)

(SARANG V. KOTWAL, J.)