

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

INTERIM APPLICATION NO. 3663 OF 2025
IN
APPEAL NO. 320 OF 2017

Neil Netto and Ors. ... Applicants

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 Mr. Deepesh Thakur, for the Respondent Nos.1(a) to 1(c).

Ms. Ashna Shah i/b Mr. Sean Wassoodew, for the Respondent No.2.

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

DATE : 12th MARCH, 2026.

P.C.:

1. This is an Application for bringing the legal heirs of the original Appellant No.2-Etty Cathleen Netto on record. There is delay in making this Application. One of the prayers is for condonation of

delay in making the Application and another prayer is also for setting aside the order of abatement as far as she is concerned and also for condonation of delay in making that application for setting aside the abatement order.

2. Heard.

3. The original Appellant No.2 passed away on 15/08/2024 at Oyster Pay Town, County of Nassau, State of New York, U.S.A. leaving behind the Applicants as legal representatives. The Applicants are also settled abroad and hence there was delay in taking steps to bring themselves on record. Considering this situation and in the interest of justice, this Application can be allowed. Hence the following Order:

ORDER

(i) The delay of 210 days in making this Application for setting aside the abatement of Appeal No.320 of 2017 against the deceased-Appellant No.2 is condoned.

(ii) The delay of 237 days in making this Application for bringing the Applicants as legal heirs of the original Appellant No.2 on record in Appeal No.320 of 2017 is condoned.

(iii) The abatement of Appeal No.320 of 2017 against the deceased-Appellant No.2 is set aside.

(iv) The Applicants are permitted to bring themselves on record in place of the original Appellant No.2 in the proceedings of Appeal No.320 of 2017 and accordingly the Appeal memo be amended within a period of three weeks from today. Reverification is dispensed with.

(v) Interim Application No.3663 of 2025 is disposed of.

(SANDESH D. PATIL, J.)

(SARANG V. KOTWAL, J.)