

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 19986 OF 2022

IN

FIRST APPEAL (ST.) NO. 24803 OF 2022

Bombay Social Services & Anr.

...Applicants

In the matter between

Bombay Social Services & Ors.

...Appellants

Versus

Gulsehra Ahmed Terai & Ors.

...Respondents

Mr. Bharat Joshi for the Appellants.

Mr. Dhaval A. Patil i/by M/s. K. Ashar & Co. for the Respondent
No.4.

CORAM : R.I. CHAGLA J

DATE : 22 November 2022

ORDER :

1. Interim Application is not on board. Taken on board.
2. Heard learned Advocate appearing for the Applicants.

3. By this Interim Application, the Applicants have sought condonation of delay of eight days in filing of the First Appeal.

4. The Applicants have stated that the Applicant No. 2 is a senior citizen aged 72 years and has several health issues due to which he could not attend the office of the Advocate for discussion/instructions and in view of the Applicant No. 1 being a Trust, proper resolution has been passed on 22nd August 2022 for further action of Appeal with new Board of Trustees.

5. The impugned judgment and decree was passed on 18th August 2022 and certified copy of the impugned judgment and decree was applied on 24th August 2022. The certified copy of the judgment was delivered to the Applicants on 8th September 2022. The Appellants being aggrieved by the impugned judgment and decree had preferred and lodged First Appeal on 10th October 2022. Accordingly, there was delay of eight days in filing the Appeal.

6. The Applicants have stated that on account of illness of Applicant No. 2 which was with regard to heart complications and high blood pressure for which the Applicant No. 2 is on medication

from the year 2008, there was delay in filing the First Appeal. The explanation for the delay has been provided in paragraph 4 of the Interim Application, namely that on 23rd September 2022, the Applicant No. 2 faced health complications for which he visited his physician on 24th September 2022, where upon he was advised to take bed rest for minimum 14 days. The Applicant No. 2 was suffering from severe chest pain and vomiting with headache and body ache and could not move. The medical certificate is annexed at Exh.A to the Interim Application. Accordingly, the Applicants could not co-ordinate with other trustees for signature and resulting in the delay in filing the First Appeal. Accordingly, the present Interim Application has been taken out.

7. Having considered the averments in the Interim Application as well as noting that there is an eight days delay in filing the Interim Application, which has been satisfactorily explained by the Applicants, a case is made out for grant of relief sought for in the Interim Application. Hence, the following order is passed. :-

- (i) Delay of eight days in filing the First Appeal is condoned.

(ii) Registry shall take on record the First Appeal.

(iii) Interim Application is accordingly, disposed of.

[R.I. CHAGLA J.]