

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4310 OF 2023
IN
REVIEW PETITION NO.38 OF 2023

M/s. Shaila Clubs and Resorts Pvt. Ltd. ...Petitioner
vs.
M/s. Savannah Lifestyle Pvt. Ltd. and Ors. ...Respondents

Mr. Rahul Sarda a/w. Ms. Punthi Shah i/b. Aarna Law LLP for the
Petitioner.

Mr. Jamsheed Master a/w. Ms. Shruti Maniar and Ms. Sannaya
Ghandhi i/b. M/s. Solomon & Co., for Respondent No. 1.

Mr. S.S. Patwardhan, for Respondent Nos. 2 and 3.

CORAM : N. J. JAMADAR, J.

DATE : JUNE 22, 2023

P.C.:

1. Heard the learned counsel for the parties.
2. This application is preferred seeking condonation of delay of 70 days in preferring Review Petition against an order dated 21st October, 2022 passed in Writ Petition No. 11610 of 2022.
3. The respondent No. 1 has resisted the application by filing an affidavit in reply.
4. I have perused the averments in the application.
5. Mr. Master, learned counsel for respondent No. 1 submitted that the grounds taken in the application for condonation of delay do not deserve countenance as no sufficient cause can be said to have been thereby made out.

6. The learned counsel for the petitioner/applicant, on the other hand, submitted that, in fact, the delay is only of 31 days. On the date the order sought to be reviewed was passed the moratorium was in operation in view of the admission order passed by the NCLT and the period of limitation would commence from 2nd December, 2022.

7. By any stand and, the delay is not inordinate. It is trite, an application for condonation of delay is required to be construed liberally so as to advance the cause of substantive justice. In the application the applicant has assigned justifiable reasons. I am, therefore, persuaded to allow the application.

Hence, the following order.

ORDER

1. The application stands allowed.
2. The delay in preferring the Review Petition stands condoned.
3. The Review Petition be listed before the Court on 14th July, 2023.

(N. J. JAMADAR, J.)