

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 14109 OF 2023
IN
COMMERCIAL FIRST APPEAL (L) NO. 8251 OF 2023**

Abhishek Gupta ... Applicant

In the matter between

Abhishek Gupta ... Appellant

V/s.

M/s. Mileage Logistics Pvt. Ltd. ... Respondent

Mr. Vedchetan Patil for Applicant.

Mr. Ankit Tripathi a/w R. S. Tripathi for Respondent.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE : 6th OCTOBER, 2023

P.C. :

1. The present Interim Application seeks condonation of delay of 41 days in filing of the captioned Commercial First Appeal. This Court had, on 10th August, 2023, issued notice to the Respondent.

2. Today, Mr. Tripathi has entered appearance on behalf of the Respondent and opposes the condonation of delay on the

ground that the Applicant, though aware of the impugned order, did not take adequate steps within the prescribed time.

3. We have heard learned counsel and find that the delay in the present case is not inordinate and of such nature that ought to deprive the Applicant of an opportunity of having their Appeal heard on merits. Additionally, we find delay has been sufficiently explained and the late filing thereof can be compensated by way of costs.

4. At this stage, learned counsel for the Respondent submits that costs may in fact be paid to the Maharashtra State Legal Services Authority. Hence, for the reasons aforesaid, the Interim Application is allowed in terms of prayer clause (a), which reads as under;

"a. Be pleased to condone the delay of 41 days in filing of the present First Appeal."

5. The Applicant to within a period of two weeks from today make payment of sum of Rs.2,500/- to Maharashtra State Legal Services Authority and furnish proof of compliance of this order to the Registry.

6. Interim Application is accordingly disposed of.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)