

Sayali Upasani

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.1505 OF 2023
WITH
APPEAL FROM ORDER (ST) NO.21141 OF 2022**

Syed Muqtar Ali ...Applicant

In the matter between

Syed Muqtar Ali ...Appellant

Vs.

Tata Sons Limited ...Respondents

Mr. Sujit Mashal i/b A. N. Nashikwala, for Appellant-Applicant.

Mr. Cherag Balsara, a/w Diksha Shetty and AAK Legal for Respondent No. 2.

CORAM:- N. J. JAMADAR, J.

DATED:- 7th JUNE, 2023

PC:-

INTERIM APPLICATION NO.1505 OF 2023

1) This application is preferred to condone the delay of 2 months and 27 days in filing Appeal against an order dated 22nd April, 2022, passed in Notice of Motion No. 1394 of 2020 and Notice of Motion No. 1408 of 2020 in S.C. Suit No. 733 of 2019.

2) Report indicates that the respondent No. 1 has been served. None appears for respondent No. 1.

3) In the application it is averred that the Appeal could not have preferred within the stipulated period as the constituted attorney of the appellant did not diligently prosecute the Appeal and furnish the requisite information to facilitate filing of the Appeal.

4) Mr. Balsara, the learned Counsel for the respondent No. 2 opposed the application for condonation of delay. It was submitted that the applicant has not made out a sufficient cause for condonation of delay.

5) In view of the reasons assigned in the application and to advance the cause of substantive justice, the delay in preferring the Appeal deserves to be condoned.

6) Hence, the following order.

ORDER

i) The application stands allowed in terms of prayer Clause “a” and “b”.

ii) The Appeal be registered.

iii) After registration, the Appeal be listed for admission on 21st June, 2023.

[N. J. JAMADAR, J.]