

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

**INTERIM APPLICATION NO.2453 OF 2023
IN
FIRST APPEAL STAMP NO.1771 OF 2023**

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Maheshwar-1 Co-op. Hsg. Soc. Ltd. & Ors. ..Applicants
Versus
Municipal Corporation of Greater Mumbai & Ors. ..Respondents

Mr. Gauraj Shah a/w Prince Vaishnav i/by Pooja Vishwakarma, for
the Applicants.

Mr. Santosh Parad, for the Respondent/State.

CORAM : KISHORE C. SANT, J.

DATE : 27th FEBRUARY, 2024

PC.

1. Heard learned advocate for the Applicants. In spite of
service, none appears for Respondent Nos.2 to 24.

2. This Application is for condonation of delay of 73 days,
which is wrongly mentioned as 15 days in the Application. It is
argued by learned advocate that in fact the Applicants happens to
be a co-operative society. The members of the society voluntarily
work for the society. Initially the Applicants were under impression
that the limitation provided is 90 days from the date of receipt of
certified copy of the judgment as per CPC, however, the Appeal is
governed by the City Civil Court Act, where the limitation is only 30
days. It is stated that in fact the judgment though is of 24.08.2022,

it was actually uploaded on 27.09.2022. Certified copy was applied immediately on the next date. The certified copy was made available on 06.10.2022. He further submits that because of Diwali Vacation and Christmas Vacation took some time to approach this Court and prays for condonation of delay.

3. Learned advocate Mr. Santosh Parad for the Corporation vehemently opposes the Application stating that no sufficient cause is shown to show that the Applicants were actually prevented from approaching this Court.

4. For the reasons stated, this Court finds that there is no deliberate delay. Rights of the parties are involved in the Appeal and therefore, it would be interest of justice to allow the Application. Hence, the following order :-

i) The Application stands allowed.

ii) Delay is condoned.

5. The Application stands disposed.

6. Office to register First Appeal.

7. After registration, place the First Appeal for admission on 12th March, 2024.

[KISHORE C. SANT, J.]