

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1943 OF 2024
IN
FIRST APPEAL STAMP NO.29369 OF 2023**

Sagar Developers ..Applicant
Versus
Amarpratik Builders (India) Pvt. Ltd. ..Respondent
Ms. Sayali Pathak, for the Appellant.

CORAM : KISHORE C. SANT, J.

DATE : 3rd MAY, 2024

PC.

1. This Application is preferred for condonation of delay of 61 days caused in filing the Application. Though the notice is waived by the Respondent on 19th April, 2024, none appears for the Respondent when the matter is called out.

2. It is stated in the Application that the Applicant was under impression that the limitation to file First Appeal is 90 days as per the Limitation Act. However, after filing of the Appeal, it was realized that the limitation is only 30 days in view of Section 16 of the City Civil Court Act. It is then after the Applicant preferred this Application.

3. Considering above, this Court finds that sufficient cause is made out for condonation of delay. The Application is therefore allowed and disposed of.

4. Office to register the First Appeal.

[KISHORE C. SANT, J.]