

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

**CIVIL APPLICATION NO.14567 OF 2023
IN
FIRST APPEAL STAMP NO.26716 OF 2022**

Shreenath Enterprises & Anr. ..Applicants/Appellants
Versus
Swastik Oil Products Mfg. Co. Pvt. Ltd. ..Respondent

Dr. Suneet Gupta, for the Applicants/Appellants.
Ms. Seema Chopda a/w T. R. Yadav, for the Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 9th FEBRUARY, 2024

PC.

1. This Application is filed seeking condonation of delay caused in filing the Appeal. Delay is of 38 days.
2. The delay is vehemently opposed by the learned advocate for the Respondent.
3. However, the delay is of only 38 days. The reasons stated in the Application in paragraph 5 are that the learned advocate was wrongly under impression that limitation is of 90 days as per Article 116(2) of the Limitation Act. However, it was realized that the limitation for the purpose of filing this Appeal is 30 days in view of Section 15(2) of the Bombay City Civil Court Act, 1948. It

appears that the reason is bonafide. No case is made out to show that delay is deliberate or malafide.

4. The Application is therefore allowed. Delay is therefore condoned.

5. Office to register the First Appeal.

[KISHORE C. SANT, J.]