

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

**INTERIM APPLICATION NO. 884 OF 2019
IN
FIRST APPEAL (ST) NO. 26321 OF 2019**

Apollo Trade Limited

... Appellant/Applicnat

Vs.

Ratanlal S/O Radhavallabh Kanodia (Delated

... Respondents

Dead) Thr. Lrs.

1a) Bhimladevi W/O. Ratanlal Kanodia And Ors

Adv. Pankaj Shah, for the Appellant/Applicnat.

Adv. Siddharth Singh, i/by Adv. A. M. Sarogi, for the Respondent No-1-b.

CORAM : KISHORE C. SANT, J.

DATE : 15th March, 2024

P.C.:-

1. Heard. Though the notices are served, only Respondent No. 1-b has appeared. This Application is filed for condonation of delay of 182 days caused in filing the Appeal. It is stated in the Application that after the impugned Judgment and Order was passed the Applicant had filed a Review Petition No. 74 of 2019, however the same came to be dismissed on 27.08.2019.

2. This Appeal is filed within 30 days of the Order passed in the Review Petition. As such there is no delay however since the Original Order passed in the Suit was dated 20.02.2019 then appears to be delay.

3. The learned Advocate for the Applicant submits that the delay

is of only 182 days. A sufficient cause is shown in the Application as there was pending before the Trial Court. He therefore prays for condonation of delay.

4. The learned Advocate for the Respondent vehemently opposed the delay application by inviting Court's attention to the reply filed the Respondent No. 1-B. He submits that the Applicant is a company having knowledge of the limitation and of the remedies, delay therefore deserves to be rejected.

5. Considering the fact that the Applicant had filed Review Petition and the same was pending till 27.08.2019 there was no reason after the Order passed in the Review Petition within 1 month present Application is filed therefore sufficient cause is shown for not filing the Appeal within time.

6. The Application therefore deserves to be allowed. The Application is allowed and disposed of. Delay stands condoned. Office to register the Appeal.

(KISHORE C. SANT, J.)