

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.283 OF 2024

IN

CIVIL REVISION APPLICATION (ST) NO.28576 OF 2023

Mehul Patel, Karta of
Mahesh Jayantilal Patel HUF : Applicant
Vs.
Neeraj Suresh Kumar Gupta & Ors. : Respondents

Adv. Dhruva Gandhi, a/w Adv. Deepak Deshmukh, Adv. Anisha Nair & Adv. Nevil M. Chopra Jain i/by Naik Naik & Co. for the Appellant in IA/20487/2022, IA/17255/2023 & FA/1121/2023.

Adv. Dhruva Gandhi, a/w Adv. Deepak Deshmukh, Adv. Anisha Nair & Adv. Nevil M. Chopra, for the Respondent No.1. in CRA(ST)/28288/2023 & CRA(ST)/28576/2023.

Adv. Amrut Joshi a/w Adv. Rajan Yadav, for the Respondent Nos.1 & 2 in FA/1121/2023.

Adv. Dr. Abhinav Chandrachud a/w Adv. Ish Jain, Adv. Vinayak Siraskar, for the Respondent No.3 in FA/1121/2023.

Adv. Karl Tamboli a/w Adv. Kiran Jain & Duj Jain i/by Kiran Jain & Co. for the Respondent No.4 in FA/No.1121/2023.

CORAM : KISHORE C. SANT, J.

DATE : 30TH APRIL, 2024

PC. :

1. Heard.

2. This Application is filed with prayer to condone the delay of 257 days caused in filing Civil Revision Application. It is stated in the Application that under misconception the Applicant had earlier filed First Appeal bearing No.1121 of 2023. However, latter on it was realized that the First Appeal is

not maintainable and the Applicant has to file Civil Revision Application. The Applicant therefore, withdrew the First Appeal on 26th September, 2023 as this Court granted liberty. Thereafter on 17th October, 2023 a proper Civil Revision Application was filed with an undertaking to withdraw the First Appeal. The First Appeal thereafter came to be withdrawn on 20th October, 2023. The same was again required to be corrected and came to be corrected on 25th October, 2023. It is the case of the Applicant that there is no delay as such in approaching this Court. The delay is caused because of the reasons stated above. Learned Advocate thus submits that the delay needs to be condoned.

3. The Application is opposed by learned Advocate for the Respondent No.1.

4. Considering the reasons stated in the Application, this Court finds that the case is made out to condone the delay. The Application is therefore allowed.

5. Delay stands condoned.

6. Office to register Civil Revision Application.

(KISHORE C. SANT, J.)