

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1014 OF 2024
IN
FIRST APPEAL(ST) NO. 32274 OF 2022

Ratilal Uttamchand Raka Director And Anr.

...Applicants

Versus

Lawrence Pinheiro And Anr.

...Respondent

Adv. Zubin Sheth i/b YNA Legal for the Applicants.

None for the respondent.

CORAM : ADVAIT M. SETHNA, J.

DATE : 16 DECEMBER 2024

P.C.:

1. Heard. The learned counsel for the applicant. None appears for the respondent.

2. At the very outset, the learned counsel for the applicant states that notice has been issued by this Court to the respondent. From the office remark/record it appears that both the respondents have been duly served. However despite service the respondents have not chosen to appear. With the assistance of the learned counsel for the applicant I have perused the interim application for condonation of delay of 93 days in filing the present appeal which is directed against an order dated 5 august 2022 passed by the City Civil Court at Mumbai in Short Cause Suit No. 2467 of 2012.

3. The learned counsel for the applicant would rely on the said application for delay condonation more particularly paragraph 4 thereof. He would submit that such delay is not intentional and nor deliberate inasmuch as the parties to the dispute were having settlement talks, which ultimately did not materialize.

4. Having perused the application, I find that the delay is supported by just and sufficient cause it is not attributable to any fault of the applicant, in the interest of justice such delay of 93 days in filing the present appeal is hereby condoned.

5. Subject to removal of office objections, the appeal be registered and listed on **17 January 2025** for due admission.

(ADVAIT M. SETHNA, J.)