

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 717 OF 2024
WITH
INTERIM APPLICATION NO. 14606 OF 2024
IN
SECOND APPEAL NO. 717 OF 2024

Mr. Vikramjit Garewal a/w. Mr. Abir Patel through VC a/w. Mr. Kartik Joshi h/f Wadia Gandhi & Co., for Appellant/Applicant
Ms. Shivani Shukla i/b. Mr. Anil D'souza for Respondent nos. 1 and 2.

ORDER:

Page no. 1 of 3

The appellate tribunal has condoned the delay subject to payment of cost of Rs. 10,000/-.

2. Learned counsel for the appellant submits that the appellate tribunal has examined the merits of the case for deciding the application for condonation of delay. He submits that though the appellate tribunal has accepted that the specific date and material particulars has not been stated in the application for condonation of delay, the appellate tribunal proceeded to condone the delay. He thus, submits that the second appeal would raise substantial questions of law on the perverse findings recorded by the tribunal inspite of accepting that the specific date and material particulars are not given in the application.

3. Learned counsel for respondent nos. 1 and 2 supports the impugned order. She submits that even if the case on merits is discussed by the appellate tribunal, the case made out by the applicant on condonation of delay is specifically discussed and accepted by the appellate tribunal. She submits that the reasons for delay are correctly appreciated by the appellate tribunal and the reasons are recorded in paragraph no. 13 of the impugned order. She thus, submits that no fault can be found in the impugned order.

4. I have perused the impugned order. The reasons for

condonation of delay are specifically dealt in the impugned order. Learned counsel for respondent nos. 1 and 2 is right in relying upon the conclusions recorded in paragraph no.13 of the impugned order. The appellate tribunal has considered the grounds raised for condonation of delay and the respondent's contentions that they are residing in UAE for which they required certain time to take steps. Only because, the rival contentions on merits between the parties are examined by the appellate tribunal, the reasons for the delay considered and accepted by the tribunal cannot be faulted. A perusal of the reasons recorded by the appellate tribunal indicates that all the rival contentions on delay have been considered in detail. I do not find any illegality or perversity in the reasons recorded in the impugned order.

5. The grounds raised on behalf of the appellant would not require any consideration by this court as the same do not raise any substantial question of law.

6. The second appeal is dismissed. In view of dismissal of the second appeal, pending applications are disposed of as infructuous.

(GAURI GODSE, J.)