



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**INTERIM APPLICATION NO. 7689 OF 2024**  
**IN**  
**FIRST APPEAL st. NO. 6781 OF 2024**

D.M. Enterprise, Mumbai.

...Appellant.

**Versus**

MCGM and Others.

...Respondents.

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*Ms. Puja Tukrel i/b Suneel Mogre for the Appellant.*

*Ms. Pallavi Khare for the Respondent-Corporation.*

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**Coram : Sharmila U. Deshmukh, J.**

**Date : August 30, 2024.**

**P. C. :**

1. Interim Application is preferred for condonation of delay of 18 days caused in preferring the First Appeal. Learned counsel appearing for the Appellant submits that the Appellant was not aware of the dismissal of suit as at that time Advocate of the Appellant had misplaced the brief and the Appellant came to know about the dismissal of suit on 15<sup>th</sup> February 2024 and thereafter the certified copies were applied and thus there is delay of 18 days.

2. Learned counsel appearing for the Respondent – Corporation opposed the application stating that there is no sufficient cause for condonation of delay.

3. The application specifically pleads that due to default on the part of advocate, the certified copies could not applied in time. As the default is attributed to the advocate, the litigant should not be made to suffer. I am, therefore, inclined to allow the application. Application stands allowed.

4. Let the First Appeal come for admission on **30<sup>th</sup> September 2024.**

**[Sharmila U. Deshmukh, J.]**