

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

**INTERIM APPLICATION NO. 7721 OF 2024
(for condonation of delay)**

IN

FIRST APPEAL (ST.) NO. 1188 OF 2024

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Yash Metal Impex Private Limited

**.. Applicant/
Appellant**

Versus

Kothari Metals Limited

...Respondent

Mr. Rahul S. Kadam, for Applicant/Appellant.

Ms. Tanjul Sharma i/b Dhruve Liladhar & Co., for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : August 20, 2024

P C:

1. Learned Counsel for the Appellant submits that for the reasons set out in the application, the delay of 49 days be condoned.
2. Learned Counsel for the Respondents strenuously opposes allowing such application without a reply affidavit being filed.
3. Having heard the Learned Counsel for the parties, it is seen that the proceedings relate to a Summary Suit, in which a conditional leave to defend had been granted. The conditions for the leave to defend have

also been complied with.

4. In these circumstances, I am inclined to condone the delay, with no fruitful purpose being served by a formal opposition in writing. Consequently, Interim Application No. 7721 of 2024 is hereby allowed.

5. First Appeal (St.) No. 1188 of 2024 is stood over to ***September 09, 2024***, for further consideration by the regular Bench.

6. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]