



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.12895 OF 2024
IN
FIRST APPEAL NO.595 OF 2013

Mohammed Tahseen

...Applicant

Versus

The Municipal Corporation
For Greater Mumbai

...Respondent

Adv. Daksha A. Parmar i/b Prajot H. Jaggi for the Applicant.
Adv. Pallavi Khare for the Respondent Corporation.

Coram : Sharmila U. Deshmukh, J.

Date : October 1, 2024.

P. C. :

1. Interim Application has been preferred for recall the order dated 2nd July, 2024 dismissing the Appeal and for condonation of delay in filing the present Application.
2. Learned counsel for the Applicant submits that there was a change of advocate and due to personal difficulty, instructions could not have been given to change the advocate and therefore none had appeared on 2nd July, 2024.
3. Learned counsel for the Respondent would submit that there is delay about one month in filing the present Application and the Appeal of the year 2013 has not been prosecuted diligently by the Appellant and therefore no indulgence ought to have been shown.

4. Order dated 2nd July, 2024 records the submissions by the erstwhile advocate that brief has been returned. It appears that though after the brief was returned there was some delay in taking steps for appointment of new advocate pursuant to which the Appeal was not attended to and came to be dismissed by order dated 2nd July, 2024 for non prosecution.
5. In light of the explanation tendered in the Interim Application, the delay is condoned. The order dated 2nd July, 2024 stands recalled.
6. List the Appeal on **14th October, 2024.**

[Sharmila U. Deshmukh, J.]