

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

**INTERIM APPLICATION NO.14370 OF 2024  
IN  
FIRST APPEAL NO. 1246 OF 2013**

Mohammed Anwar Khan Rafique Khan .. Applicant

**In the matter between**

Zaibunnissa Mohammed Rafique & Ors. .. Appellants  
**Versus**

The Municipal Corporation of Greater  
Mumbai & Anr. .. Respondents

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Mr.Dishang Shah i/b. P. M. shah for the Applicant.

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Ms. Vidya Vyavahare for Respondent-BMC.

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signed by  
ASHVINI  
BAPPASAHEB  
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**CORAM: FIRDOSH P. POONIWALLA, J.**

**DATE: 14 NOVEMBER 2024, 2024**

**P. C.**

1. This Application has been filed for condoning the delay of 35 days in filing the Application and for restoring First Appeal No.1246 of 2013, which was dismissed by an order dated 24<sup>th</sup> June 2024 of this Court for non prosecution.

2. The Application is vehemently opposed by the learned Advocate appearing on behalf of Respondent No.1-Municipal Corporation.

3. I have perused the contents of the Interim Application. In my view sufficient cause has been made out in the Application for condonation of delay and restoration of the Appeal.
4. In these circumstances, the delay of 35 days in filing this Interim Application is condoned.
5. First Appeal No.1246 of 2013 is restored to the file of this Court.
6. Interim order dated 8<sup>th</sup> October 2013 to be continued till the disposal of the Appeal.
7. Interim Application disposed of. There will be no order as to costs.

**[FIRDOSH P. POONTIWALLA, J.]**