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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO.31485 OF 2024

Pradeep Shantaram Chavan … Appellant
V/s.
Municipal Commissioner of
Greater Mumbai … Respondent

WITH
INTERIM APPLICATION NO.14973 OF 2024
WITH
INTERIM APPLICATION NO.14972 OF 2024

Mr. Hemant Ghadigaonkar for the Appellant.
Ms. Vidya Vyavahare for the Respondent-BMC.

CORAM : ARIF S. DOCTOR, J.
DATE : 27TH NOVEMBER 2024

P.C. :

Interim Application No.14972 of 2024

1. The present Interim Application seeks condonation of delay for a period of 48 days in filing of the captioned First Appeal.

2. Learned Counsel appearing on behalf of the Respondent does not seek to file an Affidavit in Reply, but submits that the delay has not been sufficiently explained.

3. To this, Learned Counsel for the Applicant invites my attention to Paragraph 4 of the Interim Application which sets out that the Applicant was seriously ill and required to be hospitalized on various occasions. It was thus on account of his illness, the delay arose. He, in support of his contention, invited my attention to the medical report annexed at Exhibit B to the Application.

4. I have perused the same and I am satisfied that sufficient cause has been shown for condoning the delay. Even apart from this, I find that the delay is not of such nature which is said to be inordinate and thus no prejudice would be caused to the Respondent if the delay is condoned and the First Appeal is heard on merits.

5. The Application is therefore allowed in terms of prayer clause (a), which reads thus:-

> *"a. This Application may kindly be allowed and that the delay of 48 days in filing present Appeal be condoned and the First Appeal be kindly heard on merits in the interest of justice and kindness."*

6. Interim Application is thus disposed of accordingly.

Interim Application No. 14973 of 2024

7. Learned Counsel appearing on behalf of the Respondent seeks time to file Affidavit In Reply. Let the same be filed on or before 11th December 2024.

8. Stand over to 18th December 2024.

9. In the meantime, the Respondent shall not take any precipitative steps.

(ARIF S. DOCTOR, J.)