

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.1949 OF 2024
IN
APPEAL (L) NO.19260 OF 2024
IN
SUIT NO.1172 OF 2005

Vikas Kamlakar Walawalkar ..Applicant

In the matter between
Vikas Kamlakar Walawalkar ..Appellant

Versus

The Deputy Salt Commissioner & Others .. Respondents

Adv. Mr. Ziyad Madon with Ms. Sharanya Mahimtura i/b. Mahimtura & Co., for the Applicant/Appellant.

Adv. Mr. R. V. Govilkar, Sr. Advocate with Mr. Gauraj Shah & Shaba Khan, for Respondent Nos. 1 & 2.

Adv. Ms. Pooja Yadav, for MCGM.

CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.

DATE: JULY 15, 2024

P. C.

1. At the outset, Mr. Madon, has tendered draft amendment to the Memorandum of Appeal. The amendment is basically to add an additional ground in the above appeal which challenges the impugned order. Considering that this is a pre-admission amendment, we do not see any impediment in not allowing the same.

2. In these circumstances, the draft amendment tendered today in the Court is taken on record and marked 'X' for identification. The Appellant is permitted to amend the Appeal in terms of the draft amendment. Amendment shall be carried out within a period of one week from today and a copy of the amended Appeal shall be served on the Advocates for the Respondents immediately thereafter.

3 The above Interim Application is filed seeking condonation of delay of 5 days in filing the above Appeal.

4. The above Interim Application was vehemently opposed by the learned Counsel for Respondent No. 3 as well as by the learned Counsel appearing for Respondent Nos. 1 & 2.

5. We have heard the learned Counsel for the parties. We are satisfied that a satisfactory explanation is given for condoning the delay.

6. In these circumstances, the above Interim Application is allowed in terms of prayer clause (a) which reads thus:-

“ that this Hon’ble Court do pass appropriate orders extending time for filing the above Appeal challenging the Impugned Judgement and condone the delay of five days in filing the above Appeal.”

7. Now that the delay is condoned, the Applicant/ Appellant shall remove all other office objections within a period of one week from today, failing which the above Interim Application as well as the above Appeal shall stand dismissed without further reference to the Court.

8. In the event the office objections are removed as stipulated above, list the above Appeal along with Interim Application (L) No.20211 of 2024 on 5th August, 2024.

9. Needless to clarify that if the Respondents want to file any reply to Interim Application (L) No. 20211 of 2024, the same shall be done on or before the next date and a copy of the same shall be served on the Advocates for the Applicant/Appellant.

10. 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.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]