IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2622 OF 2017

IN

CIVIL APPLICATION NO. 2551 OF 2003

IN

WRIT PETITION NO. 2848 OF 1991

Manohar Krishnaji Mugdam, since deceased through LRs, Shri Mohan Manohar Mugdum and others … Applicants

Versus

Shri Mahavir Niwas Tenants Association and others … Respondents

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Ms. Niyati Sontakke instructed by Mr. Jayendra Khairnar and Mr. Vijay Killedar, Advocate for the Applicants.
None for the Respondents.

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CORAM : ABHAY AHUJA, J.

DATE : 19 DECEMBER 2025

P.C. :

1. The Civil Application No. 2622 of 2017 seeks restoration of the Civil Application No. 2551 of 2003 that came to be dismissed by a self-operative order of this Court dated 2nd September 2016 for failure to carry out the amendments within a period of six weeks.

2. Ms. Sontakke, learned Counsel, appears for the Applicants and submits that there is a delay of 339 days in preferring this

KANCHAN PRASHANT DHURI

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Application, in as much as the same is due to inadvertent mistake. That the non-compliance is also due to inadvertent mistake.

3. In my view, inadvertence is hardly any explanation for the non-compliance as well as for the delay, however, keeping in mind the settled principle that the Court should preferably decide matters on merits, permitting the litigants an opportunity of being heard, however not without compromising with the principles to maintain discipline for adherence to timelines for compliance of the orders of this Court, subject to payment of costs of Rs.1000/- to the Kirtikar Law Library, within a period of two weeks, the delay is condoned and the Civil Application No.2551 of 2003 is restored to file.

4. Let the amendment be carried out within a period of two weeks after payment of costs. Thereafter let service be effected.

5. The Civil Application No.2622 of 2017 accordingly stands allowed and disposed as above.

(ABHAY AHUJA, J.)