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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.7267 OF 2024
IN
APPEAL FROM ORDER NO.728 OF 2018

Bomi Daruwalla And Ors ... Applicants-Appellants

Versus

Mr. Feroze Cawas Tititna And Ors. ...Respondents

Mr.Rajas Naik i/b Mr. Mangesh Chavhan, for the Applicants-Appellants.
Mr. M. Bhindora i/b Mrs. Sushma Singh for Respondent No.1 to 3.
Ms. Priyanka C. i/b Nahush Shah Ugal for Respondent No.8

CORAM : JITENDRA JAIN, J.

DATED : 20 NOVEMBER 2025

P. C.:

1. This application is taken out for restoration of an appeal which was dismissed by self operative order since the appellant did not file paper book within the time directed by this Court *vide* order dated 27 January 2019. The last date for filing the paper book was 27 March 2020. However, further the present Interim Application is taken out on 31 August 2023.
2. The period from 20 March 2020 till 28 February 2022 is excluded on account of COVID Pandemic and the orders passed by the Hon'ble Supreme Court. However, even after excluding of that period there is a substantial delay. The delay has been explained in paragraph 8 of the

present application. However, if the delay is not condoned then the appeal will be dismissed without going into the merits which may lead to injustice to the appellant. Therefore, balancing the equity and for the reasons stated in the application, the delay in filing the present application is condoned and the appeal No.728 of 2008 is restored.

3. The appeal paper book to be filed within 4 weeks from today failing which the appeal will be dismissed and no further application for restoration will be entertained.

4. The present application is allowed subject to payment of cost. Each of the applicant/appellant **except appellant nos.1 and 3** will pay cost of Rs.2,500 to each of the respondents. That means the applicant-appellant will pay Rs.2,500/- to each of the nine respondents (Rs.2,500/- x 9=Rs.22,500/-). Similarly, all other applicants will pay to each of the respondents Rs.2,500/-. Said cost to be paid within four weeks from today. If cost is not paid then the present order will stand withdrawn.

5. Interim Application is allowed in terms of prayer clauses (a),(b) and (c).

6. List the matter in regular course.

[JITENDRA JAIN, J.]

Corrected pursuant to speaking to the minutes order dated 22 December 2025.