

MJ Jadhav

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST) NO. 32784 OF 2024

WITH

INTERIM APPLICATION NO. 232 OF 2025

IN

APPEAL FROM ORDER (ST) NO. 32784 OF 2024

Mohd. Haroon Khan Constituted Attorney

Rajiullah Mohd. Haroon Kha

.....Appellant

Vs.

Assistant Municipal Commissioner and Ors.

.....Respondents

Mr. Anil Mishra for the Appellant.

Mr. Om Suryavanshi for Respondent Nos. 1 & 2.

Ms. Kavisha Shah for Respondent No.3.

CORAM : GAURI GODSE, J.

DATE : 13th JANUARY 2025

ORDER:

1. Heard learned counsel for the appellant. This application is for condonation of delay in filing the appeal. The impugned order is dated 13th January 2023.
2. By the impugned order plaintiff's prayer for ad-interim relief is refused.
3. The notice of motion is still pending for hearing before the City Civil Court.
4. The present application is for condonation of delay of almost two years in filing the appeal.

5. No attempts are made to argue the main notice of motion in the pending suit. I do not see any reason to entertain the appeal from order to challenge refusal of ad-interim relief almost after a period of two years.
6. Any reasons and observations by this Court on merits would prejudice the rights and contentions of the parties on merits in the pending notice of motion.
7. There is no sufficient ground to condone delay. I see no reason to condone the delay of almost two years and entertain the appeal against refusal of ad-interim relief.
8. The Application and the Appeal are therefore dismissed.
9. In view of dismissal of the interim application for delay condonation and the main appeal, pending application for interim relief is also dismissed as infructuous.
10. It is clarified that this Court has not examined the rival contentions of the parties on merits. Hence, all contentions of all the parties of main notice on merits are kept open.
11. The notice of motion shall be decided on its own merits uninfluenced by this order.

[GAURI GODSE, J.]