

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.6335 OF 2024
IN
SECOND APPEAL (ST) NO.28211 OF 2022**

Shreeji Builders	...Applicant
Versus	
Suresh Dayalal Jain	...Respondent

Mr. Jenish Jain, h/f Mr. Sumit Kate for Applicant.

CORAM : Advait M. Sethna, J.

DATED : 23 December 2025

P.C.:-

1. Heard Mr. Jain, learned counsel for the Applicant/Appellant.

2. This application has been filed for condoning the delay of 72 days in preferring the Second Appeal. On 28 November 2023, the Registrar (Judicial-II) of this Court had passed an order granting the Applicant/Appellant time of four weeks to remove the office objections. Further, two weeks were also granted failing which the registration would stand refused. However, no steps were taken and that is how Second Appeal was dismissed for non-removal of office objections.

3. The Applicant has taken the Court through Interim

Application and more particularly, the averments set out in paragraphs 3, 4 and 5.

4. It appears that the Applicants were unwell and therefore, could not contact his Advocate for giving proper instructions on the basis of which the exercise would be completed. The medical records are also annexed to the Interim Application. This is not a case where the application is premised on mere excuses and there is an explanation and the explanation seems to be genuine. Sufficient cause has been made out to condone the delay of 72 days in filing the said Second Appeal.

5. Accordingly, Interim Application is allowed in terms of prayer clauses (a) and (b). The order of 28 November 2023 is set aside and the proceedings are restored to the file of this Court. The Applicant shall pay token costs of Rs.5,000/- to the Kirtikar Law Library of this Court within a period of three weeks from the date the order is uploaded.

6. Needless to mention that this order will come into effect subject to the payment of said costs. Interim Application is disposed of in the above terms.

(Advait M. Sethna, J)