

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 6584 OF 2025.

IN/WITH

FIRST APPEAL (ST) NO. 35073 OF 2024.

Bansilal Bhonwarilal Chaplot And Anr.

...Appellants.

Versus

Mahendra Janardan Velinkar And Ors.

...Respondents.

Mr. Laxman I Jain for the Appellant.

Mr. V. Y. Sanglikar for the Respondent No. 1.

Adv. Rajani Yadav i/by Durgaprasad Sabnis for the Respondent Nos. 5 and 6.

Coram : Sharmila U. Deshmukh, J.

Date : April 1, 2025.

P. C. :

1. Interim Application has been preferred seeking condonation of delay of 58 days caused in preferring the First Appeal.
2. Learned Counsel appearing for the Applicant submits that the impugned Judgment dated 17th February, 2024 was uploaded on the website on 21st February, 2024 and the advocate informed the Applicant about the uploading of the Judgment on 27th February, 2024. He submits that as the Applicant No. 1's brother in Rajasthan was keeping unwell, he had to leave for Rajasthan and subsequently the brother expired on 26th March, 2024 and necessary instructions could not have been given to the advocate within time for drafting and filing of the Appeal which has resulted in delay of 58 days.
3. Mr. Sanglikar, learned Counsel appearing for the

Respondent No. 1-Plaintiff would submit that there is no sufficient explanation as the contentions in the Application are incorrect submissions. He would further submit that as the Judgment was passed on 17th February, 2024 there was sufficient time for the Applicant to give necessary instructions to his advocate.

4. Learned Counsel appearing for the Respondent Nos. 5 and 6 would also oppose the Application.

5. There are specific pleadings in the Application that due to illness of the Applicant No. 1's brother, he had travelled to Rajasthan on 2nd March, 2024 and that on 26th March, 2024 the brother of Applicant No. 1 had expired. In such circumstances it cannot be expected that necessary instructions could be given to the Advocate on record for purpose of filing of appeal. The delay is of 58 days is not such colossal delay which cannot be condoned considering the explanation given in the Application.

6. For the reasons stated in the application, the delay of 58 days stands condoned.

7. Interim Application is allowed.

8. List the present Appeal along with First Appeal St. No. 35073 of 2024 and Interim Application No. 6585 of 2025 on **22nd April, 2025.**

[Sharmila U. Deshmukh, J.]