

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.7744 OF 2024
IN
CIVIL REVISION APPLICATION (ST) NO.7924 OF 2024

Messrs A. V. Mehta & Co.

...Applicant

Versus

1. Ashok Amrutlal Shah

...Respondents

(Since deceased through legal heirs)

1(A) Bhavna Ashok Shah & Ors.

Mr. Pranit Kulkarni i/b Aarti Nimbalkar, for the Applicant.

Mr. Kapil Shah, for the Respondents.

CORAM: MADHAV J. JAMDAR, J.

DATED: 10 MARCH 2025

P.C.:

1. Heard Mr. Kulkarni, learned Counsel for the Applicant and Mr. Shah, learned Counsel for the Respondents.
2. The Interim Application is taken out for condonation of delay of 489 day in filing the Civil Revision Application.
3. Mr. Kulkarni, learned Counsel for the Applicant submits that as the Applicant was facing financial crisis, the Civil Revision Application could not be filed earlier.
4. However, Mr. Shah, learned Counsel for the Respondents points out a Wedding Invitation Card of the daughter of the partner of the

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Applicant - firm. He submits that the said marriage had taken place at Garware Club House Banquet Hall, Wankhede Stadium, Churchgate, Mumbai. He submits that the rent of minimum Rs.25,00,000/- is charged by the said Garware Club House.

5. Perusal of the record shows that the Applicant is a registered partnership firm carrying on business from Girgaon, Mumbai which is prime commercial locality. Marriage of the daughter of the Applicant's partner took place at Garware Club House Banquet Hall, Wankhede Stadium, Churchgate, Mumbai, which is in a prime locality of Mumbai and very huge rent is charged for the said Hall.

6. It is also submitted by the learned Counsel appearing for the Applicant that due to COVID-19 pandemic there is delay in filing the Civil Revision Application. However, perusal of the record shows that the impugned Judgment and Decree is dated 3rd August 2022 i.e. after COVID-19 pandemic. The Applicant applied for the certified copy of the impugned Judgment and Decree dated 3rd August 2022 after a period of about 1 year and 7 months i.e. on 20th February 2024. Thus, even certified copy is not applied in the limitation period of 90 days.

7. Mr. Shah, learned Counsel for the Respondent also points out the Income Tax Return annexed at Page 9 of the Interim Application which shows, Total Income - "0" of the Applicant. Thus, the Applicant has shown zero income in the Assessment Year 2023-24. Mr. Shah, learned

Counsel submits that Income Tax Returns of the partners of the Applicant are not annexed.

8. Thus, it is clear that the Interim Application filed is not bonafide. Accordingly, no case is made out for grant of Interim Application. The Interim Application is dismissed with cost of Rs.25,000/-.

[MADHAV J. JAMDAR, J.]