

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 8131 OF 2024

IN

FIRST APPEAL (St.) NO. 8672 OF 2024

Growmax Medicare Pvt. Ltd. and Others

...Applicants/Appellants

Versus

Concept Pharmaceutical Ltd.

...Respondent

Mr. Sumit Kothari for the Applicant.

None for the Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : 8th April, 2025.

P. C. :

1. Interim Application has been preferred seeking condonation of delay of 45 days caused in preferring the First Appeal.
2. None appears for Respondent though served and informed by communication by learned counsel for Applicant.
3. Learned counsel appearing for Applicant submits that Applicants were under the impression that the time limit of filing the Appeal is 90 days as per the Limitation Act, 1963 and hence, there is delay of 45 days in preferring the Appeal.
4. The contention in the Application is that impression which Applicants carried was that time limit for filing the Appeal is 90 days

cannot be doubted in as much as it is only under the provisions of Bombay City Civil Court Act, 1948 that against the judgment of Civil Court, the limitation for filing the Appeal is 30 days. The explanation tendered is that there is delay due to inadvertent error in considering the period of limitation and hence, the same is accepted.

5. Interim Application is allowed.

[Sharmila U. Deshmukh, J.]