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

**INTERIM APPLICATION NO. 9425 OF 2024
IN
FIRST APPEAL(ST) NO. 7633 OF 2024**

Indbank Merchant Banking Services Ltd., ..Applicant
Versus
M/s. Shreeji Investment, Mumbai & Ors. ...Respondents

Ms. Rajlaxmi Punjabi a/w Ms. Pushpa Thapa i/b.Mable Soans for the Applicant.
None for Respondent.

CORAM : M. M. SATHAYE, J.

DATED : 22nd DECEMBER 2025

P.C.:

1. This is an Application for condonation of delay of 5 years and 28 days in filing the First Appeal. Notices were issued to the Respondents. According to the office note, all the Respondents are served. None appeared for the Respondents. No reply is filed.
2. The Applicant is the Plaintiff and the Respondents are Defendants. The Applicant had filed the suit for recovery of money, which was decreed by the impugned judgment and decree dated 11/01/2019. The present Appeal is filed for claim of interest from the date of filing the suit, which is decreed only from the date of order.
3. The Applicant has filed affidavit of undertaking dated 11.12.2025 stating that the Applicant/Appellant shall not claim any interest for the

period of delay i.e. from the date of impugned decree (11/01/2019) till filing of this Application/Appeal (11/03/2024). The same is taken on record.

4. Perused the application. It is stated therein that after impugned decree was passed (granting partial recovery), the management of the Applicant decided to proceed with the execution proceedings and it was also in the process of finding out fresh addresses of the Respondents, because the impugned decree was ex-parte decree against the Respondents. It is stated that during this time, it was realized that the Trial Court has allowed the interest only from the date of order and not from the date of filing of the suit. Thereafter, the Applicant had filed an Application u/s. 152 of the Civil Procedure Code, 1908. This Application was filed in 2022 and was ultimately rejected on 09/01/2023. It is stated that the Applicant being financial institute, its officers get transferred and in the present case, the concerned Officer who was authorized and well-versed with the proceedings, got transferred to other branch and could not hand over the matter to the new officer in-charge in time. On these assertions, it is stated that delay has caused. These statement on oath have gone unchallenged, as nobody appeared for Respondents and no reply is filed, despite service.

5. Considering the said averments and undertaking filed today, that interest will not be claimed from the period of delay, sufficient cause is made out for condonation of delay.

6. **The Application is allowed and disposed of. Delay is condoned.**

(M. M. SATHAYE, J.)