

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

**INTERIM APPLICATION NO. 13114 OF 2024
IN
SECOND APPEAL(ST) NO. 24214 OF 2024**

Mis. Surana Construction (Chembur)
Thr. Its Partner)
Mr. Surendra Surana ...Applicant
Versus
Rahul Makhijani And Anr. ...Respondents

**WITH
INTERIM APPLICATION NO. 13116 OF 2024
IN
SECOND APPEAL(ST) NO. 24217 OF 2024**

Mis. Surana Construction (Chembur)
Thr. Its Partner
Mr. Surendra Surana ...Applicant
Versus
Janvi Makhijani And Anr. ...Respondents

**WITH
INTERIM APPLICATION NO. 4175 OF 2025
IN
SECOND APPEAL(ST) NO. 24211 OF 2024**

Surana Construction (Chembur)
Through Its Partner Surendra Surana ...Applicant
Versus
Sandeep S. Oberai And Anr. ...Respondents

Ms. Asfiya Cutchi, i/b. Mr. Rahul Patil for Applicant.

Mr. Manoj Makhijani, Respondent in IA/13114/2024 present
in person.

CORAM : Advait M. Sethna, J.

DATED : 22 December 2025

P.C.:-

1. Heard learned counsel for the parties. Mr. Makhijani appears in person who is the Respondent in IA/13114/2024.
2. With the consent of the parties present before the Court, these Interim Applications for condonation of delay in filing the Second Appeal can be disposed of by a common order as the proceedings arise from the impugned judgment and order dated 13 June 2024 passed by the Maharashtra Real Estate Appellate Tribunal in M.A. No.309 of 2024.
3. There is a delay of 8 days in filing a Second Appeal against the impugned judgment and order dated 13 June 2024. Ms. Asfiya Cutchi, learned counsel for the Applicant/Appellant would submit that the delay is completely inadvertent and/or unintentional. She would refer to paragraphs 5 and 6 of the Interim Application No.13114 of 2024, in this regard.
4. On the other hand, Mr. Makhijani has vehemently opposed the application. On hearing the parties and perusing the record, the Court finds that this application involves a short delay of 8 days. It is sufficiently explained in paragraphs 5 and 6 of the Interim Application.
5. In the Courts view, justice would be served better if the Second Appeal is heard on merits and the delay is

condoned so the contesting parties get an opportunity of advancing their submissions and orders can be passed and finality in the proceedings can be reached.

6. For the above reasons, this is a fit case to condone the delay of 8 days. The Interim Application is accordingly allowed and disposed of in the above terms. The connected Interim Applications No.13116 of 2024 and Interim Application No.4175 of 2025 are also allowed for the above reasons where the delay to be condoned is of 8 days arising out the same impugned judgment and order dated 13 June 2024.

7. All Interim Applications are disposed of in the above terms.

(Advait M. Sethna, J)