

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 13371 OF 2024

IN

FIRST APPEAL (ST) NO. 23223 OF 2024

Akashdeep Agarwal, Director Proprietor
Ashtvinayak Hospital And Anr.

...Appellants/
Applicants.

Versus

Smt. Tarabai Sampat Waghmare And Ors.

...Respondents

*Adv. Pratap Sampat and Adv. Bharti S. i/by Adv. Aarti Suvarna for the Appellant.
Ms. Kavita Anchan for the Respondent.*

Coram : Sharmila U. Deshmukh, J.

Date : MAY 8, 2025.

P. C. :

1. Interim Application seeks condonation of delay of 49 days and explains the reason for the delay.
2. Learned Counsel appearing for the Respondent submits that the impugned order of the Commissioner was passed on 29th November, 2018 and instead of filing Appeal, Writ Petition came to be filed on 25th January, 2019 which was disposed of on 23rd April, 2024 by granting liberty to file Appeal. She would further submit that instead of filing Appeal, the order came to be challenged before the Division Bench and after dismissal, the present Appeal has been filed in the month of August-2024. She submits that present Application does not

calculate the days of delay from passing of impugned order.

3. Learned Counsel for the Applicant would counter the submission and would submit that the delay has been properly calculated by taking into consideration that the Writ Petition was earlier filed.

4. Considering that the order of Commissioner was passed on 29th November, 2018 and the Appeal was required to be filed within the period of 30 days, the days of delay will have to be calculated accordingly. In event any exclusion of time has claimed under Section 14 of the Limitation Act the averment to that effect will have to be incorporated in the Interim Application.

5. It is open for the Applicants to take out Interim Application for amendment of present Application for condonation of delay for placing correct facts and days of delay.

6. Stand over to **24th June, 2025.**

[Sharmila U. Deshmukh, J.]