

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 15343 OF 2024.

IN

FIRST APPEAL (ST) NO. 30204 OF 2024.

Hitesh Anand Kuvelkar

...Applicant.

Versus

Bolloor Yogesh Bangera

...Respondent.

Mr. Hitesh Anand Kuvelkar Appellant present-in-person.
Adv. S. M. SHETTIGAR for the Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : February 11, 2025.

P. C. :

1. Interim Application has been preferred seeking condonation of delay of 68 days caused in preferring the present Application.

2. The Appellant who appears in person submits that the impugned Judgment was passed on 26th July, 2024 and that he was not shown the operative order. He submits that the present grievance is limited only to the issue of interest and as the entire copy was not made available immediately he was not aware that the interest has been granted only for part of the period. He submits that thereafter from 29th July, 2024 to 3rd August, 2024, he was under medication and from 14th August, 2024 to 30th August, 2024 he was suffering from

indigestion and constipation and after recovering, he applied for certified copies. He submits that by reason thereof there is delay of 68 days.

3. Learned Counsel appearing for the Respondent would oppose the Application and would submit that Application does not make out any sufficient cause for condonation of delay of 68 days. He submits that the Trial was conducted by the Applicant before the Trial Court and therefore he was well aware of the Judgment.

4. The Application specifically pleads that the Judgment was pronounced by the Trial Court on 10th July, 2024 and that the Applicant was informed that the decree was passed in his favour. It is further the case of the Applicant that the Judgment when uploaded on the website of the Trial Court revealed that interest was not paid for the entire period. It is this grievance which is sought to be addressed by way of filing the present First Appeal. Further he has specifically pleaded that from 27th July, 2024 till 3rd August, 2024 and thereafter from 14th August, 2024 till 30th August, 2024 the Applicant was suffering from ill-health. In support he has relied upon doctor's certificate.

5. It is further specifically pleaded that upon improvement of the health, Application for certified copy was made and as soon as the same was obtained the present Appeal has been filed.

6. The Appellant appears-in-person and the explanation which has been tendered is sufficient to condone the delay of 68 days. In support of the delay the medical certificate are produced and the explanation has been tendered that the Applicant was not provided with the operative part of the order at the time of pronouncement, was unaware about the interest not been granted for the entire period is sufficient explanation for the delay of 68 days.
7. In light of the above, the delay of 68 days stands condoned.
8. Interim Application is allowed.

[Sharmila U. Deshmukh, J.]