

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 15774 OF 2024.

IN

FIRST APPEAL ST. NO. 33552 OF 2024.

Bindia Jayendra Garasia W/O Nilesh Mehta And Ors. ...Appellants.

Versus

M/s. Saket Co-Operative Housing Ltd. Mumbai And ...Respondents.
Ors.

Mr. Abhishek Upadhyay for the Respondent No. 1.

Coram : Sharmila U. Deshmukh, J.

Date : January 23, 2025.

P. C. :

1. Interim Application has been preferred seeking condonation of delay of 61 days caused in preferring the present Appeal.

2. Learned Counsel appearing for the Applicant submits that the Appellant was appearing as party-in-person and has thereafter engaged the present Advocate. He submits that the present proceedings have also filed by the Appellants as party-in-person and being unaware of the legal procedure there was delay in the filing of the present appeal by a period of 61 days which deserved to be condoned.

3. Learned Counsel appearing for the Respondent No. 1

opposes the Application submitting that there is no sufficient explanation given for the delay of 61 days.

4. It is not disputed that even in the Trial Court the Appellants appeared in person and the possibility of the delay in filing the first appeal by a party-in-person cannot be doubted. The delay is of 61 days has been properly explained and it is not such a colossal delay which cannot be condoned.

5. For the reasons stated in the Application, the delay of 61 days stands condoned.

6. Interim Application is allowed.

7. List the first appeal along with connected pending Applications for Admission on **13th February, 2025.**

[Sharmila U. Deshmukh, J.]