

MJ Jadhav

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 15849 OF 2024
IN
APPEAL FROM ORDER (ST) NO. 33646 OF 2024**

M/s. Golden Realty Through Its Partners ... Appellant/Applicant
Mr. Manoj C. Kanabar

vs.

Asif Nizamuddin Siddique and Anr. ... Respondents

Mr. C. Balsara a/w Yogesh Patil i/b Utsav Dalal for the
Appellant/Applicant.

Mr. Vivek Shukla i/b Pragya Mishra for Respondent No.1.

Mr. Om Suryavanshi for Respondent No.2- BMC.

CORAM : GAURI GODSE, J.

DATED : 25th FEBRUARY 2025

ORDER :-

INTERIM APPLICATION NO. 15849 OF 2024

1. This application is for condonation of delay of 24 days in filing the appeal.

2. Learned counsel for the appellant submits that since settlement talks were going on between the parties, the appeal was not immediately filed. He submits that delay is, therefore,

unintentional and there is no negligence on the part of the appellant.

3. Learned counsel for respondent no.1 original plaintiff opposes the condonation of delay. He relies upon the affidavit-in-reply filed on behalf of the respondent no.1. With reference to the grounds raised for condonation of delay, respondent no.1 submits in the reply that there was no effort made by the parties about the alleged settlement discussion. It is, therefore, contended that the grounds raised for condonation of delay are mis-leading. The grounds regarding settlement talks between the parties is denied by respondent no.1. However, the appellant has placed on record additional affidavit alongwith the Whatsapp chats between the appellant and respondent no.1, which supports the grounds raised by the appellant.

4. A perusal of the additional affidavit on behalf of the appellant also supports the appellant's contention regarding settlement talks between the parties. In view of the averments in the application for condonation of delay and the additional affidavit, I see no reason to disbelieve the grounds raised for condonation of delay. The delay is only of 24 days. Hence, in view of the facts and circumstances of the case and the reasons in the application and additional affidavit, delay is condoned and the application is allowed in terms of prayer

clause (a). Interim Application is disposed of.

5. List the appeal on 19th March 2025.
6. To be listed high on board under the caption 'for admission'.

(GAURI GODSE, J.)