

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1659 OF 2025
IN
SECOND APPEAL (ST) NO. 32288 OF 2024

Saiket Developers

..Appellant/
Applicant

Versus

Kaluram Shripati Sutar & Ors

...Respondents

WITH
INTERIM APPLICATION NO. 1661 OF 2025

Mr. Varun Thanawala, for the Applicant/Appellant.
Mr. S.C. Wakankar, for the Respondents.

CORAM: N. J. JAMADAR, J.
DATE : 3rd OCTOBER 2025

P.C.:

1. Heard the learned Counsel for the parties.
2. This Application is preferred to condone the delay of 168 days in filing the Second Appeal against the judgment and decree dated 29th January 2024, passed by the First Appellate Court in Civil Appeal No. 484 of 2016.
3. The Respondents have resisted the Application by filing an Affidavit in Reply.

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4. In paragraphs 2 and 3 of the Application, the Applicant-original Defendant No.2 has ascribed reasons.

5. It is, *inter alia*, contended that on account of financial constraints and want of proper legal advice, the Applicant could not file the Appeal within the stipulated period of time.

6. The delay does not appear to be inordinate. It also does not appear that there was lack of bonafide or the delay was intentional.

7. It is trite, the Application for condonation of delay should receive liberal consideration so as to advance the cause of substantive justice. Thus, this Court is inclined to condone the delay.

8. Hence the following order:

(i) The Application stands allowed.

(ii) Delay of 168 days in filing the Second Appeal stands condoned.

Application disposed.

SECOND APPEAL (ST) NO. 32288 OF 2024 :

9. Second Appeal be numbered and listed for admission, on 12th November 2025. In the meanwhile, the Respondents are at liberty to file Reply to the Application for interim relief.

[N. J. JAMADAR, J.]