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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**INTERIM APPLICATION NO. 3482 OF 2025
IN
APPEAL FROM ORDER ST NO. 3482 OF 2025**

Buldhana Urban Credit
Co-operative Society Limited
Buldhana Thr. Mr. Balasaheb Tupare

.....Applicant

Vs.

Ms. Sakina Khozema Godhrawala
and ors

.....Respondents

Mr. Shreyas Deshpande a/w Mr. Nitin Deshpande a/w Mr. Ninad Deshpande (through VC) for applicant

CORAM : GAURI GODSE, J.

DATE : 10th MARCH 2025

ORDER:

1. This application is for condonation of delay of 238 days in filing the appeal. The appeal is filed by defendant no. 3 who claims that there is a mortgage deed executed in favour of defendant no. 3 by defendant nos. 1 and 4. He submits that the plaintiffs are seeking specific performance of the suit premises which are already mortgaged

with defendant no. 3.

2. The impugned order is passed in a suit filed for specific performance by respondent nos. 1 and 2. By the impugned order, the defendants are restrained from creating any third party rights in respect of the suit property. The impugned order is passed on 1st April 2024.

3. Learned counsel for the applicant submits that due to approval required at various stages, the applicant was unable to file the appeal within time. He relies upon the contents of paragraph 3 for condonation of delay.

4. I have perused the contents of the application. The contents of the application refers to vague statements about taking approvals at various levels. However, the application is bereft of any explanation with any particulars of any dates to support the grounds raised for condonation of delay. The reasons for condonation of delay are not sufficiently explained. For want of any sufficient explanation for condoning the delay of 238 days, I see no reason to allow this application.

5. Hence, for want of any justifiable explanation, delay cannot be condoned.

6. The application is therefore, dismissed.

7. In view of dismissal of application, appeal from order is dismissed.

[GAURI GODSE, J.]