

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 6727 OF 2025.

IN

FIRST APPEAL NO. 921 OF 2023.

Suresh Pragji Mirani Alias Thakkar And Anr.

...Applicants.

Versus

The Municipal Corporation of Greater Mumbai

...Respondent.

Adv. J. S. Yadav for the Applicant.

Ms. Pallavi Khale for the Respondent-MCGM.

Coram : Sharmila U. Deshmukh, J.

Date : April 2, 2025.

P. C. :

1. Interim Application has been preferred seeking restoration of the First Appeal which has been dismissed for non filing of the paper-book within a period of one year.
2. Learned Counsel appearing for the Applicant submits that due to inadvertence it could not be filed within a period of one year by reason of which the conditional order came into effect and the First Appeal was dismissed.
3. Learned Counsel appearing for the Corporation submits that there is delay of 138 days and no indulgence ought to be shown.
4. Considering that due to default on part of the office of the advocate on record, there was non compliance of order dated 27th

September, 2023 which directed the filing of the paper-book within a period of one year, the litigant cannot be made to suffer.

5. For the reasons stated in the Application, the delay of 138 days stands condoned and the First Appeal and Interim Application is restored to file.

6. Time to file private paper-book is extended by 8 weeks from today. Interim Application is allowed.

[Sharmila U. Deshmukh, J.]