

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

INTERIM APPLICATION NO. 7920 OF 2025

IN

FIRST APPEAL NO. 245 OF 2012

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M/s. Kotak Mahindra Bank Ltd.

....Applicant/Appellant

IN THE MATTER BETWEEN

M/s. Kotak Mahindra Bank Ltd.

....Appellant (Org. Defendant)

Versus

CDR Kehar Singh s/o. Kartar Singh

....Respondent (Org. Plaintiff)

Mr. Pranav Chavan & Mr. Kunal Kadam for the Applicant/Appellant.

Mr. Clive D'Souza for the Respondent.

CORAM : JITENDRA JAIN, J.

DATED : 24th NOVEMBER 2025

P C. :

1. This application is taken out for restoration of the Appeal, which was dismissed on 24th January, 2019. The Application has been taken out in April 2025 i.e. after almost more than six years i.e. more than 2000 days.

2. The first reason given is Covid-19 Pandemic. In my view, the Covid-19 Pandemic started in March 2020, whereas the Appeal was dismissed in January 2019 more than a year before Covid Pandemic. Therefore, explaining the delay by attributing it towards Covid-19 Pandemic is misconceived.

3. Secondly, in the Application, vague reason is given that there was some internal organizational changes and some of the officials left the

organization and, therefore, no decision was taken.

4. In my view, this cannot be accepted. The appellant is a Bank having presence across the country and doing huge business. If this reason is accepted, then I fail to understand as to why the other proceedings were not affected. There is nothing shown to me that, by virtue of this reason, such proceedings were affected or the business comes to stand still. No evidence of any nature is shown to me for this reason except a bald and vague statement.

5. Since there is no satisfactory explanation given for the delay in taking out the present Application, the Application is dismissed. The view taken by me is in accordance with recent decision of the Hon'ble Supreme Court in the case of *Shivamma vs. Karnataka Housing Board & Ors.*¹ wherein it is held that delay without sufficient reason cannot be condoned.

[JITENDRA JAIN, J.]

1 2025 SCC OnLine SC 1969