

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 7958 OF 2025

IN

COMMERCIAL FIRST APPEAL (ST) NO. 15207 OF 2025

Arihant Trading

...Appellant
(Org. Defendant)

Versus

Surya Polycontainer

...Respondent
(Orig. Plaintiff)

Mr. Avinash Joshi, Mr. Pradeep Khittani, N. Khittani, Mr. Nitish Raut
for the Appellant.

Ms. Rekha Mehta and Ms. Kinjal Mehta for the Respondent.

CORAM : R.I. CHAGLA J
FARHAN P. DUBASH, J

DATE : 12 December 2025

ORDER :

1. The Appellant / Applicant by this Interim Application has sought for condonation of delay of 33 days in filing of Commercial First Appeal.

SHARAYU
PANDURANG
KHOT

Digitally
signed by
SHARAYU
PANDURANG
KHOT
Date:
2025.12.16
11:00:00
+0530

2. The Applicant had filed Commercial Appeal (L) No. 30534 of 2023 inadvertently on the Original Side. By order dated 2nd April 2025, this Court had allowed the Applicant to convert the Appeal from Original Side to Appellate Side. The amendment was to be carried out during the course of the day.

3. The Applicant has stated that there was some delay in carrying out the amendment due to the inaction of the Advocate.

4. By keeping the rights and contentions of the Respondent open, the Interim Application is required to be allowed, as the Applicant should not be made to suffer on account of default of the Advocate.

5. We are not inclined to consider the interim relief sought for in the present Interim Application for stay, unless the Applicant files a separate Interim Application for stay, which shall be considered on its own merits. Accordingly, the following order is passed.:-

(i) Delay of 33 days in filing of Commercial Appeal is

condoned.

(ii) Registry shall accept the filing of the Commercial Appeal and number the same.

(iii) Interim Application is accordingly, disposed of. There shall be no order as to costs.

[FARHAN P. DUBASH, J.]

[R.I. CHAGLA J.]

906-IA-7958-25.doc
Sharayu Khot.