



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO.21813 OF 2015
WITH
CIVIL APPLICATION NO.1733 OF 2016
WITH
CIVIL APPLICATION NO.1732 OF 2016

Municipal Corporation of
Greater Bombay & Anr. ...Appellants/Applicants

Versus

Maharshi Trivedi & Anr. ...Respondents

WITH
INTERIM APPLICATION NO.8513 OF 2025

Municipal Corporation of
Greater Bombay ...Applicant

IN THE MATTER BETWEEN:

Municipal Corporation of
Greater Bombay & Anr. ...Appellants

Versus

Maharshi Trivedi & Anr. ...Respondents

AND

Ankit Maharashi Trivedi ...Proposed Respondent

Ms. Pallavi Khale i/by Ms. Komal Punjabi for Appellant/Applicant.
Mr Ajit A. Kocharekar for Proposed Respondent Nos.1A.

CORAM : JITENDRA JAIN, J.

DATE : 30 SEPTEMBER 2025

P.C.:

INTERIM APPLICATION NO.8513 OF 2025

1. This application is taken out by the Corporation to bring legal

heirs of respondent no.1 on record. The application is filed on 7 April 2025 and there is a delay of 2 years and 300 days i.e. almost close to 3 years for which condonation is prayed.

2. In the application, there was no convincing reasons given to explain the delay stated above. Therefore, this Court had directed to the Corporation to file an additional affidavit explaining the delay. Pursuant to the above, Mr. Madhukar Shelar, Assistant Engineer has filed an additional affidavit for explaining the delay in bringing legal heirs on record.

3. In paragraphs 4 and 5 of additional affidavit, it is stated that there was only one Assistant Law Officer looking after the first appeal in the year 2022 and the said Law Officer was attending to all matters listed in the High Court, giving opinions, discussions etc. Affidavit further states that due to heavy workload of simultaneous handling of various critical public issue, there was tremendous pressure and on account of staff crunch there was a delay in filing the present application.

4. The fact of respondent no.1 having died was communicated to the Corporation by the advocate for the respondent vide letter dated 2 June 2022.

5. Therefore, the reasons given in paragraphs 4, 5 and 6 which deals with prior to early 2022 cannot be accepted. These are general reasons given without substantiating the same. The appellant is a Corporation having large team of legal officers and, therefore, it is not possible to accept that from June 2022 till April 2025, they were busy on account of work pressure and, therefore, the application could not be

filed. The reasons given in paragraphs 4, 5 and 6 are not at all convincing for condoning the delay of almost close to 3 years. Therefore, Interim Application No.8513 of 2025 is dismissed on the ground that the same was not filed within the limitation period provided under the Limitation Act, 1963 and the delay in filing the said Interim Application has not been explained so as to constitute “sufficient cause for this Court to condone the delay”.

6. Therefore, Interim Application No.8513 of 2025 is dismissed.

FIRST APPEAL (ST) NO.21813 OF 2015 WITH CIVIL APPLICATION NOS.1733 & 1732 OF 2016

7. The learned counsel for the Corporation seeks time to file additional affidavit to explain the delay of 353 days in filing the appeal.

8. List this matter on 17 November 2025 for further consideration.

[JITENDRA JAIN, J.]