

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

**INTERIM APPLICATION NO.9716 OF 2025
[FOR DELAY CONDONATION]**

WITH

**INTERIM APPLICATION NO.9717 OF 2025
[FOR STAY]**

[NOT ON BOARD, TAKEN ON BOARD]

IN

FIRST APPEAL (ST) NO.17934 OF 2025

M/s. Vertex Realtors

A registered Partnership Firm and Ors.

...Applicants

In the matter between:-

M/s. Vertex Realtors

A registered Partnership Firm and Ors.

...Appellants

V/s.

Sumeet Pritamdas Rewari

...Respondent

Mr.Arselan A. Thaver i/b. Mr.Abhiraj Parab:-	Advocate for Applicants/ Appellants.
Mr.Uday Bhanu Sinh a/w Mr.Ivor Peter D'Cruz, Mr.Pierre Fernandes and Ms.Elaine Fargose i/b. Mr.Ivor Peter D'Cruz:-	Advocates for Respondent.

CORAM : S. M. MODAK, J.

DATE : 17th SEPTEMBER 2025

P. C. :-

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1. Heard learned Advocate for Applicants/Defendants and learned Advocate for Respondent/Plaintiff.

2. The Applicants intend to prefer an Appeal against the judgment delivered on 20th July 2024 passed by the City Civil Court in Summary Suit No.137 of 2018. The Applicant No.1 is the registered Partnership Firm whereas the Applicant Nos.2 and 3 are its Partners. Out of them, Applicant No.2 is aged about 78 years old. The Appeal could not be preferred in time on account of the medical difficulties faced by the learned Advocate then representing the Applicants. Even the father of the Advocate was representing the Applicant No.2 went into bypass surgery. Even the Advocate suffering fracture. **There is a delay of 258 days.**

3. This is opposed by the Respondent. There is Affidavit-in-Reply. There is submission that earlier Advocate of the Applicants was having a team of several Advocates. The allegation about undergoing surgery by the father of the Advocate of Applicant No.2 is also denied. There is also submission that the present Advocate for the Applicants is the same Advocate who represented the Applicants before the trial Court.

4. Even though it may be true that earlier Advocate was assisted by a team of Advocates but ultimately the Advocate is bound by the instructions given by the clients. It is but natural that due to the fracture of the earlier Advocate and ailment of his father, the concerned Advocate may not be devoting time to fulfill commitments. **It is**

settled law that litigants should not suffer due to certain difficulties of the Advocate. Ultimately, it is the choice of the litigants to decide the Advocate. Whether it is the trial Court Advocate or the new Advocate. I find the reasons pleaded in the Application sufficient for condoning the delay. Hence the order:-

ORDER

- (i) The Application is allowed in terms of prayer clause (a).
- (ii) Application stands disposed of.

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5. This is an Application for staying the impugned judgment. Now the execution is fixed on 13th October 2025. On the basis of instructions, learned Advocate for the Applicants/Defendants submits that his client wants to settle the matter. Let him initiate the talks.
6. Matter be kept on 9th October 2025.

[S. M. MODAK, J.]