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

**(SR. NO.19) INTERIM APPLICATION NO.10247 OF 2025
IN
FIRST APPEAL (ST) NO. 24399 OF 2025**

Sameer Barar And Anr. ...Applicants
Versus
The Municipal Corporation Of Greater Mumbai & Ors. ...Respondents

WITH

**(SR. NO.20) INTERIM APPLICATION NO.10245 OF 2025
IN
FIRST APPEAL (ST) NO. 24402 OF 2025**

Mohammed Salim Vehvaria And Anr. ...Applicants
Versus
The Municipal Corporation Of Greater Mumbai & Ors. ...Respondents

Mr. Khan Javed Akhtar, Advocate for Applicants.
Mr. Pradeep M. Patil i/b. Ms. Komal Punjabi, Advocate for
Respondent No.1/BMC.

CORAM : M.M. SATHAYE, J.

DATE : 22nd JULY, 2025

P.C. :

1. Heard learned counsel for the Applicants and learned counsel for Respondent Municipal Corporation.
2. These Applications are filed by original Plaintiffs whose suits, filed challenging the notices issued by Respondent No.1 - Municipal Corporation, have been dismissed. There is nominal delay of 28 days and 16 days in filing the Appeals. No reply is filed.

3. Considering the nature of controversy, Respondent - Municipal Corporation is the only contesting party.

4. It is informed that neither the co-operative society nor the developer who were Defendant No.2 & 3 in the suit, have appeared or filed written statement despite due service of summons. The said fact is reflected in the impugned judgment. In that view of the matter, their presence for the purpose of delay condonation is dispensed with.

5. Considering the extent of delay, averments in the Applications and the fact that substantive first appeals are filed, sufficient cause is made out. Applications are allowed. Delay is condoned.

(M.M. SATHAYE, J.)