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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 10815 OF 2025
IN
FIRST APPEAL (L) NO. 28725 OF 2004

Farooq Iqbal Chunawala (Legal Heir. of
Iqbal Ebrahim Chunawala) & Anr. .. Applicants

IN THE MATTER BETWEEN

Farooq Iqbal Chunawala & Anr. .. Appellants

Versus

Municipal Corporation of Greater Mumbai .. Respondent

Adv. Rajesh Dixit for the Applicants.

Adv. Pradeep M. Patil i/b. Adv. Komal Punjabi for Respondents.

CORAM: FIRDOSH P. POONIWALLA, J.

DATE: SEPTEMBER 8, 2025

P. C.

1. This Interim Application has been filed seeking condonation of delay of 61 days in taking out the Interim Application. The Interim Application further seeks that the order dated 3rd February, 2025 passed in Interim Application No. 13784 of 2023 be set aside and the said Interim Application No. 13784 of 2023 with the First Appeal be restored to the file of this Court.

Mansi Shelke

2. A perusal of the Interim Application shows that the Advocate for the Appellant was suffering from a slipped disc and a broken spine and was operated upon in respect of the same. Due to this reason, the Advocate for the Appellant was unable to attend the matter in Court on 3rd February, 2025.

3. Further, the Application also states that the said Advocate had started attending the office from April 2025 and it was in May 2025 that the Advocate came to know that Interim Application No. 13784 of 2023 had been dismissed on 3rd February, 2025. It is further stated that, thereafter, in May 2025 itself, the present Interim Application has been filed.

4. In our view, for the aforesaid reasons, sufficient cause has been shown by the Appellant/Applicant for condonation of delay of 61 days in taking out the Interim Application as well as for seeking the setting aside of the said Order dated 3rd February, 2025.

5. In these circumstances, the delay of 61 days in taking out this Interim Application is condoned, the order dated 3rd February 2025 passed in Interim Application No. 13784 of 2023 is set aside and the said Interim Application is restored to file.

6. The present Interim Application is disposed of in the aforesaid terms. No order as to costs.

[FIRDOSH P. POONIWALLA, J.]