

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

**INTERIM APPLICATION NO.11832 OF 2025
IN
FIRST APPEAL (ST) NO.30601 OF 2025
IN
SUIT NO.9389 OF 2025**

ICICI Bank Ltd.

.. Applicant/
Appellant

In the matter between:-

ICICI Bank Ltd.

.. Appellant/
Org.Defendant No.4

Versus

Sham Shivanand Wagle & Ors.

.. Respondents

UTKARSH
KAKASAHEB
BHALERAO

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UTKARSH KAKASAHEB
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**Mr.Ashish Kamat, Senior Advocate a/w Mayur
Bhojwani, Dhamini Nagpal, Ulrik Jehangir i/b Manilal
Kher Ambalal & Co., Advocates for the Applicant/Appellant.**

Ms.Archana D. Gaware, Advocate for Respondent No.1.

**CORAM : B. P. COLABAWALLA &
AMIT S. JAMSANDEKAR, JJ.**

DATE : OCTOBER 17, 2025

P. C.

1. The above Interim Application is filed seeking a
condonation of delay of 128 days (out of which 76 days spent in

pursuing the Review Petition filed before the Trial Court) in filing the above Appeal.

2. The learned advocate appearing on behalf of the Respondent vehemently opposed the Application for condonation of delay. According to her, firstly, the time period to file the Appeal is only 30 days as set out in Section 15 of the Bombay City Civil Court Act, 1948 whereas the delay has been calculated on the basis that the Appellant had 90 days to file the present Appeal. Secondly, she submitted that in any event there is no explanation for the delay set out in the above Interim Application. For all these reasons she submitted that the Interim Application ought to be dismissed.

3. We have heard the learned counsel for the parties, we have also perused the papers and proceedings in the above Interim Application. We find that in paragraph 9 of the Interim Application, sufficient explanation has been given for the delay in filing the above Appeal. We say this even if we assume for the sake of argument that the period of filing the above Appeal was within 30 days and not 90 days, as calculated by the Appellant. In these circumstances, we hereby condone the delay in filing the above Appeal.

4. Now that the delay is condoned, the advocates for the Appellant shall remove all other office objections within a period of 4 weeks from today, failing which the above Appeal shall stand dismissed without further reference to the Court.

5. The above Interim Application is disposed of in the aforesaid terms. However, there shall be no order as to costs.

6. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[AMIT S. JAMSANDEKAR, J.]

[B. P. COLABAWALLA, J.]