

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

**INTERIM APPLICATION NO. 13200 OF 2025
IN
SECOND APPEAL (ST) NO. 15952 OF 2025**

Ravji Soniya Kakad & Ors.

...Applicants

Versus

Budhiyabhai Chaitabhai Kakad & Ors.

...Respondents

Ms. Varsha Palav, a/w Vishakha Shelar, for Applicants.

Adv. Jyoti Chavan, a/w Namrata Pangam, for Respondent Nos.1 to 6.

CORAM : ADVAIT M. SETHNA, J.

DATED : 18 DECEMBER 2025

P.C.:-

1. Heard learned counsel for the parties.
2. This Interim Application has been filed seeking condonation of a delay of 174 days in filing the Second Appeal. The Applicant, however, contends that the delay is only 115 days. Be that as it may, upon hearing the parties and perusing the Interim Application, it appears that the reasons for the delay are particularly set out in paragraph 7 of the Interim Application. It is stated that the office of the learned counsel for the Applicant was being shifted, and in the

process, certain file papers, including those pertaining to these proceedings, were inadvertently misplaced. In any event, the Applicant/Appellant cannot be made to suffer for no fault of his.

3. A perusal of the averments indicates that sufficient cause has been shown, and the delay has been appropriately explained in paragraph 7 of the Interim Application. The delay does not appear to be intentional or deliberate.

4. For the reasons stated above, and in the interest of justice, in the given factual complexion the delay deserved to be condoned.

5. Interim Application is Allowed and Disposed of in the above terms.

(Advait M. Sethna, J.)