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

**INTERIM APPLICATION NO. 13908 OF 2025
(For delay)
IN
FIRST APPEAL (ST) NO. 38393 OF 2025**

Mrs. Mahima Adityavikram Bhatia & Anr. ...Applicants/Appellants
Versus
Ms. Rashmi Bhatia ...Respondent

Adv. Saurabh Butala a/w. Adv. Manvi Sharma and Adv. Shubham Gangan for
the Applicants/Appellants.
Adv. Abhinav A. Bhatkar i/b. Adv. Mithul Lavkar for the Respondent.

CORAM : M. M. SATHAYE, J.

DATED : 11th DECEMBER 2025

P.C.:

1. Heard learned Counsel for the parties.
2. IA/13908/2025 is an Application for condonation of delay in filing the First Appeal.
3. The impugned judgment and decree is passed on 02/04/2025. The Applicant initially preferred an appeal before the concerned District Court, which was filed on 09/05/2025. It appears that the said appeal was wrongly instituted in the Court, not having jurisdiction. The Appeal was withdrawn from the District Court on 16/09/2025. Thereafter, about 4 days were lost in obtaining certified copy. The present appeal filed on 02/12/2025. Learned Counsel for the Applicants/Appellants submits that in the aforesaid facts sufficient cause is made out and delay needs to be condoned.

4. Learned Counsel for the sole Respondent has opposed the Application contending that the appeal itself was filed in the District Court without jurisdiction and the Respondent took objection and thereafter the Appeal was withdrawn. That even after receiving certified copy on 22/09/2025, present Appeal is filed on 02/12/2025. He submits that time spent in interregnum is not properly explained.
5. Considering above dates and deducting time spent before Court without jurisdiction, there is delay of about 22 days in filing present appeal.
6. Considering the extent of delay and the averments made in the Application, sufficient cause is made out. Accordingly, the Interim Application is allowed. Delay is condoned.
7. Application disposed of in above terms.

(M. M. SATHAYE, J.)