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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION NO.11467 OF 2024
IN
COMM FIRST APPEAL (ST.) NO.25122 OF 2023

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Suwarna Buildcon Pvt. Ltd.

...Applicant /
Appellant

Versus

Pratap Civil Engineering Pvt. Ltd. & Ors.

...Respondents

Ms. Poonam Pal i/b. Mr. Sachin Hande for the Applicants /
Appellants.

None for the Respondents.

CORAM : R.I. CHAGLA AND
ADVAIT M. SETHNA, JJ.

DATE : 9TH MARCH, 2026.

ORDER :

1. By this Interim Application, the Applicant / Original
Appellant has sought for condonation of delay of 115 days in filing
the present Interim Application.

2. By a conditional Order dated 10th April, 2024 passed by the Registrar (Judicial – II) four weeks time had been granted to the Applicant to remove the office objections and upon failure to do so the registration of Commercial First Appeal would be refused without further reference to the Court of Registrar.

3. The office objections were not removed within the stipulated period resulting in the registration of the Commercial First Appeal being refused. Accordingly, the present Interim Application is filed after substantial delay for which condonation is sought.

4. The Applicant has stated that the failure to remove office objections as per conditional Order dated 10th April, 2024 was on account of default on the part of the erstwhile Advocate of the Applicant and that the Applicant came to know about the rejection of Commercial First Appeal only week prior to the filing of the Application.

5. Having considered averments in the Interim Application, there appears to be a default on the part of the erstwhile Advocate of the Applicant in non removal of office objections as per conditional

Order dated 10th April, 2024 passed by the Registrar (Judicial – II). However, there is extraordinary delay of 115 days in filing the present Interim Application. The statement made by the Applicant is that it came to know of the fact of rejection of the Commercial First Appeal only one week prior to the filing of the Interim Application. We find the Applicant to be not diligent enough in pursuing these proceedings.

6. Accordingly, given that the default is on the part of the erstwhile Advocate of the Applicant for which the Applicant should not be made to suffer and considering the considerable delay in filing the present Interim Application, upon imposing costs of Rs.10,000/-, we allow the present Interim Application. Hence, the following Order is passed:-

(i) The delay of 115 days in filing the Interim Application is condoned subject to payment of costs of Rs.10,000/- which shall be paid to the Maharashtra Legal Aid Services Authority (MHALSA) within a period of two weeks from today.

(ii) The Commercial First Appeal is restored to file by setting

aside conditional Order dated 10th April, 2024 passed by the Registrar (Judicial – II) subject to above payment of costs.

(iii) The Interim Application is accordingly disposed of. There shall be no order as to costs.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA J.]