

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 8104 OF 2025
IN
FIRST APPEAL (ST) NO. 11839 OF 2025

The Police Officers Progressive Co-Operative
Housing Society Ltd.

...Applicant/
Appellant

Versus

Gurupratap Gandhi And Ors.

...Respondents

*Mr. Simil Purohit a/w Mr. Rubin Vakil, Mr. Manish Doshi, Ms. Heena Thalesan, Mr. Dhaval P. i/b Vimadalal & Co., for the Applicant /Appellant.
Mr. Amrut Joshi a/w Mr. Vijeet Trivedi i/b Ganesh & co., for the Respondents No. 5, 7, 8, 10 to 13.
Mr. Pradip Patil, for the Respondent Nos. 2 to 4.*

CORAM : SHARMILA U. DESHMUKH, J.

DATE : February 11, 2026

P. C. :

1. Interim Application has been preferred seeking condonation of delay of 99 days caused in filing the Appeal.
2. Mr. Purohit, learned senior advocate appearing for the Applicant submits that the Applicant is a society and after the impugned judgment was pronounced, the certified copies were applied for and there were certain deliberations amongst the 31 members as regards

the course to be adopted. He would further submit that Applicant was under an erroneous belief that the time period is 90 days from the date of the impugned judgment and it was only subsequently that they became aware of the limitation period of 30 days upon receiving legal advice.

3. Mr. Joshi, learned counsel appearing for the Respondent Nos. 5, 7, 8, 10 to 13 would oppose the application and would submit that the Applicant had applied for stay of the judgment after obtaining the certified copy which came to be rejected, and therefore, they were aware of the passing of the judgment. He would submit that though it is not the length of delay which is material, the cause is required to be sufficient for condonation. He submits that in the present case there is no sufficient cause for condoning the delay of 99 days.

4. The Applicant is a society and it cannot be disputed that before any action is taken particularly in respect of further litigation to be adopted by the society, it is necessary for a concurrence of the members of the society. Further it is specifically pleaded that the Applicant was under a erroneous belief that the time period is 90 days. The explanation tendered is sufficient for condoning the delay of 99 days which is not such an inordinate unexplained delay which cannot be condoned. In light of the above, the delay of 99 days stands condoned. Interim Application is allowed.

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5. Heard.
6. ***Admit.***
7. Call for Record and Proceedings.
8. Mr. Joshi waives notice for Respondent Nos. 5, 7, 8, 10 to 13. Mr. Patil waives notice for Respondent Nos. 2 to 4.

[SHARMILA U. DESHMUKH, J.]