



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.9962 OF 2025
IN
FIRST APPEAL NO.1376 OF 2013

New Mahesh Villa Co-Op
Housing Society Limited & Ors.

...Applicants/Appellants

Versus

M/s. Jay Jay Constructions
Company & Ors.

...Respondents

Mr. Rohit Gupta a/w Mr. Abdetaiyeb Q. Motiwala i/by A. S. Bhalekar &
A. Q. Motiwala for the Applicants/Appellants.

Mr. Shubham Jagtap i/by Dhanuka & Partners for Respondent No.1.

Mr. Pradeep M. Patil for Respondent Nos.2 and & 3-MCGM.

CORAM : JITENDRA JAIN, J.

DATE : 28 JANUARY 2026

P.C.:

1. This application is filed for restoration of the appeal which was dismissed by self-operative order dated 24 January 2019 for non-filing of paper-book within eight weeks thereof.

2. Interim Application is filed on 17 May 2025. The delay in filing the interim application is of more than six years. The reason states that when the record and proceedings was received by this Court, same was not noticed by the clerk of the advocate and he has resigned. There is no affidavit or any document in support of this particular reason annexed to the present interim application. It is also accepted that there has been some inadvertence error on the part of the advocate and the same advocate has appeared today in this Court and accepted the same. In any case, the applicants should have been vigilant and kept a track of this matter. There has been contributory negligence on the part of all the stakeholders in this matter.

3. The applicants state that it is only when the settlement talks were initiated that they found out the status of the appeal and became aware that the appeal has been dismissed.
4. Keeping in mind the above facts, the delay in the interest of justice is condoned, subject to payment of cost of Rs.30,000/- to Tata Memorial Cancer Hospital, Dr. Ernest Borges Road, Parel Mumbai - 400 012. The cost should be paid within four weeks from today. Subject to payment of the cost, First Appeal No.1376 of 2013 is restored.
5. Reply of the respondent is taken on record.
6. Interim Application is disposed of.

[JITENDRA JAIN, J.]