

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

**INTERIM APPLICATION NO. 38348 OF 2025
IN
COMMERCIAL FA (ST) NO. 29440 OF 2025**

Shree N N Enterprises ...Applicant
Versus
Equator Freight And Logistic Pvt Ltd. ...Respondent

**WITH
INTERIM APPLICATION NO. 38349 OF 2025
IN
COMMERCIAL FA (ST) NO. 29440 OF 2025**

Shree N N Enterprises (partnership Firm) ...Applicant
Versus
Equator Freight And Logistic Pvt Ltd. ...Respondent

Mr. Vaibhav Gaikwad (Thr. VC) a/w Mr. Shantanu Ghatage for the
Applicant.
Mr. Saurabh Pandya, for Respondent/Original Plaintiff.

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

DATED : 17th APRIL, 2026

P.C.:-

Interim Application No. 38348 OF 2025:

1. By this Interim Application, the Applicant is seeking condonation of delay of 46 days in filing of the present First Appeal and for hearing the same on merits.
2. The Applicant has stated that the judgment and decree passed by the

Commercial Court, Mazgaon, Greater Mumbai had decreed the suit with proportionate cost and directed the Defendant/Applicant to pay the amount of Rs.5,87,361/- with interest @ 9% p.a., from the date of filing of the said Suit, within 3 months from the date of the said order.

3. The Applicant states that they were unaware of the ex-parte order passed against the Applicants and/or unaware of the passing of the said judgment and decree dated 8 April 2025. It is stated that he recently got knowledge of the said impugned decree and accordingly, the Applicants took steps of filing the present First Appeal.

4. The Applicant further stated that there was delay of 46 days in filing the present First Appeal as it took longer period for getting copies of the paper-book of the proceedings from the Commercial Court and then for arranging the affidavit. In view thereof, such delay was not intentional and/or deliberate.

5. The learned counsel appearing for the Applicant on instructions states that the Applicant/Appellant is agreeable to deposit the amount of Rs.6,00,000/- towards condonation of delay in filing the First Appeal and for stay on the effect, implementation and execution of the Impugned Judgment and order passed by the Commercial Court. This statement is accepted.

6. In view of the statement, by taking on record an affidavit-in-reply filed by the Respondent/Original Plaintiff to the above Interim Application

to the First Appeal (St) No.29440 of 2025, we condone the delay in filing the present First Appeal.

Interim Application No.38349 of 2025:

7. This Interim Application which has sought for stay on the effect, implementation and execution of the impugned judgment and decree dated 8 April 2025 is allowed, in light of the above statement. There shall be a stay on the effect, implementation and execution of the impugned judgment and decree dated 8 April 2025 passed by the Commercial Court, Mazgaon in Commercial Suit No.100757 of 2024 subject to the Applicant/Appellant depositing amount of Rs.6 Lakhs with the Registrar (Judicial – I) within a period of 4 weeks from the date of uploading of this order.

8. Interim Application Nos.38348 of 2025 and 38349 of 2025 are disposed of in these terms. There shall be no order as to costs. The Appellant shall serve the First Appeal memo on the Respondents within a period of one week from today.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA, J.]