

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

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INTERIM APPLICATION NO.680 OF 2026

**IN
FIRST APPEAL NO.1390 OF 2015**

The Bombay Dyeing and Manufacturing
Company Limited

..Applicant/Appellant
(original plaintiff)

V/s.

Ravi Kumar Puri

..Respondent

Ms. Neeta Jain a/w Ms. Rujuta Patil, Ms. Anaisha Zachariah and Ms. Masira Lulania Advocates i/by Negandhi Shah & Himayatullah for the applicant/appellant.

None for the respondent.

**CORAM : JITENDRA JAIN, J.
DATED : 28 January 2026**

PC. :

1. This application is filed by the applicant/appellant seeking restoration of the appeal, which came to be dismissed by self-operating order dated 13 July 2022 since the paper book was not filed within six months.
2. The present application is filed on 20 January 2026 which is after more than 3 years. The learned counsel for the applicant/appellant states that this application ought to have been filed latest by 12 February 2023.
3. One of the reasons given in the application is on account of Covid. The self-operating order dated 13 July 2022 gave six months' time, which expired on 12 January 2023. By this time, the Covid-19

pandemic was long over and even the extension granted by the Supreme Court also stood expired. Therefore, this reason of Covid cannot be accepted.

4. The other reason given is the inadvertence of the managing clerk of the advocate and the concerned advocate of not correlating the first appeal by its number and the name of the applicant/appellant-company. The same advocate continues today and has accepted the mistake.

5. In this case, the applicant has stated that it was on account of inadvertence of the advocate and the same advocate continues on record. Therefore, even today, it will be presumed that the applicant/appellant has no grievance against the advocate.

6. For the reasons attributable to the advocate, in the facts of the present case, the applicant/appellant should not suffer. Therefore, the delay though not explained sufficiently is condoned and the first appeal is restored subject to payment of cost of Rs.30,000/- to be paid to Tata Memorial Hospital, E. Borges Road, Parel, Mumbai – 400 012 within four weeks from today, failing which, the present order passed in the interim application would stand automatically withdrawn without reference to the Court.

7. Time to filing the paper-book is extended by a period of four weeks from today.

8. Interim application is allowed in above terms.

(JITENDRA JAIN, J.)