



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2973 OF 2026
IN
FIRST APPEAL (St.) NO. 1306 OF 2026
WITH
FIRST APPEAL (ST.) NO. 1306 OF 2026

Dilip Jugraj Kothari

...Applicant

Versus

Leena Gulabchand Jain

...Respondent

Mr. Jugal Haria, Ms. Kiran Dubey i/b Mr. Shailesh Mishra for Applicant.
Ms. Fleur D'souza i/b Asahi Legal for Respondent.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 22nd APRIL, 2026

P. C. :

1. Interim Application has been preferred seeking condonation of delay of 60 days caused in preferring the First Appeal.
2. Learned counsel appearing for Applicant submits that impugned order was passed on 16th October, 2025 which was uploaded on 18th October, 2025. Thereafter, due to Diwali vacation, the Applicant was unable to contact his Advocate. He would further submit that the Applicant was under impression that Appeal period is 90 days and hence, did not act promptly.

3. Learned counsel appearing for Respondent opposes the application and would submit that ignorance of law is no excuse.
4. The First Appeal has been preferred against Summary Suit. It is the specific pleading that the Applicant who is a layman was under the impression that the Appeal period is 90 days. It is not such a colossal delay which cannot be condoned. Considering the explanation which has been tendered in paragraph no. 3 of the Interim Application, delay stands condoned.
5. Interim Application is allowed.

[SHARMILA U. DESHMUKH, J.]