

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**INTERIM APPLICATION NO. 4264 OF 2026
IN
FIRST APPEAL (ST) NO. 14936 OF 2026**

Inderjit Properties Pvt. Ltd.

...Applicant/
Appellant

Versus

Serum Institute Of India Pvt. Ltd. And Ors.

...Respondents

*Mr. Pradeep Thorat a/w Mr. Deepak Chitnis, Ms. Aditi Naikre, Ms. Simran J. i/b Mr. Deepak Chitnis Chipalkar & Co., for the Appellant.
Mr. Vikram Nankani a/w Mr. Shyam Dewani, Ms. Khushboo D., Mr. Chirag Chanani i/b Dewani Associates, for the Respondent No. 1.*

CORAM : SHARMILA U. DESHMUKH, J.

DATE : June 16, 2026

P. C. :

1. Interim Application has been preferred seeking condonation of delay of 118 days caused in preferring the present First Appeal.
2. Mr. Thorat, learned counsel for the Applicant/original Defendant No. 6 submits that the impugned judgment and decree was passed on 15th December, 2025 and the application for the certified copy was filed on 30th April, 2026. He submits that the legal advice which was received by the Applicant was that the First Appeal can be filed within

90 days from the date of receipt of the certified copy of the judgment. He would submit that the entire papers and records which were voluminous required time for collating and initially there was no conflict of interest between Defendant No. 6 and Defendant Nos. 2 to 5 and the entire affairs were being looked after by Defendant No. 2. He submits that the transaction of sale of the shares were entered into between the Plaintiffs and the original Defendant Nos. 1 to 3 for which the Applicants were not responsible, and hence, there is conflict. He submits that the delay is sufficiently explained and ought to be condoned by taking a lenient view.

3. Mr. Nankani, learned senior Advocate for Respondent No. 1/original Plaintiff would submit that the blame has been placed on the advocate for wrong legal advice which cannot be accepted as sufficient explanation. He would further submit that though the impugned judgment was passed on 15th December, 2025, the application itself records that the application for certified copy was filed on 30th April, 2026 i.e. beyond the period of limitation. He submits that the Applicant is a company and ought to be aware about the filing of the First Appeal within time. He submits that the explanation tendered in the application is unacceptable and the delay ought not to be condoned.

4. I have considered the submissions and perused the record.

5. The ground on which delay is sought to be explained is that the

application for certified copy was made on 30th April, 2026 when the impugned judgment itself was passed on 15th December, 2025. The application states that the present Advocate for the Applicant had assisted the Applicant's representative to make the application. The application for certified copy is the responsibility of the Advocate on record, and once the judgment and decree has been passed, it is the duty of the Advocate on record to immediately file an application for certified copy and make the same available to the party. The litigant cannot be made to be blamed for the default on part of the Advocate to discharge its responsibility. The litigant may not even be aware of the procedure to be followed for obtaining certified copy.

6. The second ground on which delay is sought to be explained is that the legal advice received was that the period of limitation is 90 days from the date of receipt of certified copy of the judgment. Though, it is sought to be contended by Mr. Nankani that the Defendant No. 1 was duly assisted by eminent lawyers, the Limitation Act, 1963 (for short "**Limitation Act**") provides for limitation period of 90 days, whereas under the Bombay City Civil Court Act, 1948 for an Appeal against judgment and decree passed by the City Civil Court, the period of limitation is 30 days. It is therefore, perfectly acceptable that the Applicant must have been informed that the First Appeal can be filed within the period of 90 days.

7. The grounds which are set out in the application constitute sufficient cause for the purpose of Section 5 of the Limitation Act. The delay is not such an inordinate unexplained delay which cannot be condoned.

8. In light of the explanation tendered in the application, the delay of 118 days caused in preferring the First Appeal is condoned. Interim Application is allowed

[SHARMILA U. DESHMUKH, J.]