



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1782 OF 2022
IN
FIRST APPEAL NO.1028 OF 2017

Sarbanand Lokai Gupta

...Applicant/Appellant

Versus

Municipal Corporation For
Greater Mumbai & Anr.

...Respondents

Mr. Arvind A. Taral for the Applicant/Appellant.

Mr. Pradeep M. Patil for Respondent No.1-MCGM.

CORAM : JITENDRA JAIN, J.

DATE : 24 MARCH 2026

P.C.:

1. This application is filed for restoration of the appeal which was dismissed for non-prosecution by order dated 17 June 2019. There is a delay in filing the present application and, therefore, the application also seeks condonation of delay of 2 years and 208 days. The number of delay mentioned in the application is incorrect. The learned counsel accepts that the delay is of 2 years and 208 days.

2. The learned counsel for the applicant states that the delay occurred because of the Covid-19 and, therefore, the decision of the Hon'ble Supreme Court in the case of **Cognizance For Extension of Limitation, In Re., (2022) 3 SCC 117** is applicable. He further has filed additional affidavit enclosing medical reports of the year 2015 to state that on medical ground the application could not be made.

3. I have heard learned counsel for the applicant.



4. The decision of the Hon'ble Supreme Court extending the time limit on account of Covid-19 does not apply to a case where the limitation had already expired much prior to March 2020. In this case, the order of dismissal was passed on 17 June 2019 and the period for filing the present application had expired much much before March 2020. Therefore, the reason of Covid-19 cannot be accepted.

5. The second reason given is on account of medical ground and the reports of 2015 has been enclosed. The certificate of the doctor also states that he is under medical observation till today. The impugned order is of 2019. The interim application ought to have been filed in 2019. Therefore, the medical reports of 2015 cannot assist the applicant to explain the delay. Merely because the doctor's certificate of 18 March 2026 states that from 2015, he is under his observation does not entitle the applicant for explaining the delay.

6. For all the above reasons, the interim application for restoration is dismissed since same has been filed without any sufficient cause after the limitation period has expired.

[JITENDRA JAIN, J.]