



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**INTERIM APPLICATION NO.3144 OF 2019**  
**IN FIRST APPEAL (ST.) NO.18421 OF 2019**  
**WITH**  
**FIRST APPEAL (ST.) NO.18421 OF 2019**  
**WITH**  
**CIVIL APPLICATION NO.3 OF 2021**

Messrs Correa Builders and Anr.

... Applicants.

**Versu**

Mr. Vilas A. Bharate Since Deceased

Mrs. Rekha Vilas Bharate and Ors.

... Respondents.

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*Mr. Makrand Raut, for the Applicants.*

*Mr. John R. for the Respondent No.3.*

**Coram : Sharmila U. Deshmukh, J.**

**Date : July 22, 2024**

**P. C. :**

1. By this Interim Application, the Applicants-Appellants seeks condonation of delay of 33 days caused in filing the present Appeal.

2. Learned counsel appearing for the Applicants-Appellants submits that the impugned judgment was passed on 18<sup>th</sup> April, 2019 and the certified copy was applied on 14<sup>th</sup> May, 2019 and the judgment was received on 22<sup>nd</sup> May, 2019. He further submits that due to vacation the concerned Advocate was not available and after reopening, the Applicants contacted their Advocate who filed the

Appeal on 1<sup>st</sup> July, 2019 and thus, there is a delay of 33 days.

**3.** Learned counsel appearing for the Respondent No.3 opposes the said Application. He submits that no sufficient explanation has been tendered for the delay of 33 days. He would further submit that though the suit has been decreed in the year 2019, the conveyance has not been executed by the Appellants till now and thus, no leniency ought to be shown to the Appellants. He would further submit that the execution proceedings are pending.

**4.** By the present Application what is sought is a condonation of delay of 33 days. The explanation which has been tendered cannot be said to be such an improbable explanation that the same would not be considered sufficient for a delay of 33 days. It is well settled that a liberal approach is required to be adopted while condoning the delay. The delay of 33 days is not such an inordinate unexplained delay that the same could not be condoned. In light of the above, delay of 33 days is condoned. Interim Application stands allowed.

**5.** List the Appeal and the Stay Application on **6<sup>th</sup> August, 2024**.

**[Sharmila U. Deshmukh, J.]**