Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION (ST) NO. 29762 OF 2025
WITH
APPEAL FROM ORDER (ST) NO. 29761 OF 2025
WITH
INTERIM APPLICATION (ST) NO. 29763 OF 2025

Municipal Corporation of Greater Mumbai & Anr. .. Appellants (Org. Defendants)

Versus

Kanhayalal Devichand Tiwari & Anr. .. Respondents (Org. Plaintiffs)

.....

- Mr. Joel Carlos a/w Ms. Neeta Jadhav i/by Ms. Komal Punjabi, Advocates for Appellants

.....

CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 11, 2025

P. C.:

1. Heard Mr. Carlos, learned Advocate for Appellants - Org. Defendants.

Interim Application (St) No. 29762/2025:-

2. Mr. Carlos would submit that the above captioned Interim Application is filed for seeking condonation of delay of 375 days in filing the present Appeal from Order (AO). He would submit that there were some exigencies which are candidly stated in paragraph No. 4 of the Interim Application which led to delay in filing the AO. He would therefore persuade this court to consider the same and in the interest of justice, condone the delay and hear the AO.

2.1. Considering the reasons given in paragraph No. 4 of the Application, Interim Application stands allowed and delay of 375 days in filing the AO is condoned.

2.2. Interim Application is disposed.

Appeal from Order (St) No. 29761/2025:-

3. After hearing submissions made by Mr. Carlos and after going through the impugned order and record of the case, in my opinion, an arguable case is made out by Mr. Carlos for issuance of notice. Hence issue notice to the Respondents made returnable on 25.09.2025. Humdast permitted. In addition to Court's notice, Appellants are directed to serve copy of the AO along with Interim Application and copy of this order on the Respondents and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof on or before the next date.

4. After receiving the notice, Respondents to file affidavit-in-reply on or before the next date, if so desired with an advance copy to the Advocate for Appellants. Rejoinder if any shall be filed on or before the next date.

5. Stand over to **25th September, 2025.**

[MILIND N. JADHAV, J.]

Amberkar

RAVINDRA MOHAN AMBERKAR
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Date: 2025.09.11 19:56:16 +0530