

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 1297 OF 2026

IN

SUIT NO. 45 OF 2025

Mecury Terra Firma

...Applicant

Versus

Himmatbhai Balubhai Sheladia

...Defendant

Mr. Karl Tamboly a/w Shyna Saheed i/b Vashi and Vashi for the Applicant.

Mr. Bhomesh a/w Rishabh Shanbhag a/w Urmika Manjerekar i/b Bina Pai for the Defendants.

CORAM : ARIF S. DOCTOR, J.

DATE : 15th APRIL, 2026

P.C.

1. The Interim Application seeks condonation of delay of a period of 268 days in filing Written Statement.

2. Mr. Tamboly, learned counsel appearing on behalf of the Applicant has filed Reply Affidavit, in which he submits that the delay is not adequately explained. However, having heard learned counsel and having perused the Interim Application, given the fact that the delay is not inordinate and the reasons for the same have been set out in the Interim Application, in my view the substantive interest of justice would best be served if the delay is condoned and the Applicant is accorded an opportunity to contest the Suit on merits.

3. Hence, the delay is condoned, subject to payment of costs of Rs. 15,000/-.

Accordingly costs to be paid to the High Court Employees Medical Welfare Fund.

Account details of which are as follows:

Account Name : The High Court Employees Medical Welfare
Fund at Mumbai.
Bank Name : Bank of India, Mumbai (Main) Branch.
Account No. : 000120110001337.
IFSC Code : BKID0000001.

4. The Interim Application is accordingly disposed of.

[ARIF S. DOCTOR, J.]