

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.98 OF 2013
IN
CIVIL REVISION APPLICATION ST. NO.2005 OF 2013**

Process Pumps (I) Pvt Ltd.

..Applicant

Vs.

Eagle Burgmann India Pvt Ltd.

..Respondent

Mr. S. S. Kanetkar for the Applicant

None for the Respondent

CORAM : R. M. SAVANT, J.

DATE : 2nd December 2013

PC.

1 The above Civil Application has been filed for condonation of delay of 186 days in filing the above Civil Revision Application. The reasons for the said delay are mentioned in paragraph 3 of the Civil Application. The sum and substance of the reasons is that the Applicant company is based at Bangalore and hence it is not always possible for the concerned person/Director of the Applicant company to come to Pune. It is further stated that on account of some business commitments and heavy work load and day to day affairs, the Applicant could not immediately apply for obtaining certified copy of the impugned order. The application for certified copy was made on 5-7-2012 and the certified copy was made available to it on 11-7-2012. After the said certified copy was available to it, the Director was labouring under an impression that the 90 days period for filing the proceedings challenging the

order was from the date of the certified copy. He accordingly contacted the Advocate at Bangalore and who asked him to send the papers to Pune for advice. It is on obtaining the advice that the above Civil Revision Application has been filed, resulting in the said delay of 186 days. It is submitted that the delay is not on account of carelessness or indolence on the part of the Applicant. The Civil Application as well as the Civil Revision Application has being affirmed at Bangalore.

2 None appears for the Respondents though served. Heard the Learned Counsel appearing on behalf of the Applicant. It is well settled that in matters of condonation of delay, a highly technical and pedantic approach should be eschewed and an approach which furthers the cause of substantial justice should be adopted. Though there is some delay in filing the above Civil Revision Application, the reasons are not such that can be brushed aside. In my view, the Civil application is required to be allowed and is accordingly allowed. Resultantly, the delay of 186 days in filing the above Civil Revision Application stands condoned. The Applicant to deposit a sum of Rs.3000/- with the Maharashtra Legal Services Authority as costs within a period of 3 weeks from date.

3 The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]