

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 117 OF 2015
IN
APPEAL FROM ORDER (ST.) NO. 1094 OF 2015**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A. K. Nandanwar for the applicant/BMC.

Mr. A. J. Damani i/b J.G. Damani for the respondent no.1.

Mr. Rakesh Agrawal for respondent no.2.

CORAM : K. K. TATED, J.

DATED : 31/03/2015.

PC.:

. Heard learned Counsel for the parties.

2 This application is preferred by defendant for condonation of 144 days delay in filing Appeal from Order challenging the order dated 11.07.2014 passed by the Bombay City Civil Court at Dindoshi, Mumbai in draft Notice of Motion in L.C. Suit No. 1576 of 2014.

3 The learned Counsel for the respondent no.1 vehemently opposes the present Civil Application. He submits that applicant has not shown sufficient cause for condonation of delay.

4 Considering the submissions made by learned Counsel for the applicant and reasons disclosed in Civil Application, I am satisfied that applicant has made out a case for allowing Civil Application. At the same time, applicant to pay cost of Rs.750/- to the respondent no.1 within four weeks from today.

5 Hence, the following order.

i) Civil Application is allowed in terms of prayer clause (a), which reads thus:

“a) The delay of 144 days in filing the Appeal from Order be condoned and the Appeal from Order be placed for admission on any convenient day.”

ii) Applicant to pay cost of Rs.750/- to the respondent no.1 within four weeks from today, failing which civil application shall stand dismissed without referring back to the court .

iii) Civil Application is disposed of accordingly.

(K.K.TATED, J.)