

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.967 OF 2015
IN
FIRST APPEAL NO.3566 OF 2015

Smt. Gangubai Govind Patil & Ors. .. Applicants
-Versus-
Mayur Suresh Patil and Anr. .. Respondents

Mr.Mahesh Rawool i/b. K.P.Shah for applicants
Mrs.Anjali Helekar for respondent Nos. 1 and 2

CORAM : K.K.TATED, J.

DATE : 20th March 2015.

P.C.

1] Heard learned Counsel for applicant. This application is preferred by the defendants for condoning delay of 120 days in filing first appeal, challenging the judgement and decree dated 30th July 2014 passed by the City Civil Court, Dindoshi in S.C.Suit No.513 of 2011.

2] Learned Counsel for the respondent has filed affidavit in reply. She vehemently opposes the present civil application. The respondents submit that the applicant has not shown sufficient

cause for condonation of 120 days delay in filing first appeal. Hence, there is no substance in the present civil application and the same be dismissed with costs.

3] Considering the submissions made by the learned Counsel for the applicant and the reasons disclosed in paragraphs 3 to 5 of the civil application, I am satisfied that the applicant has made out case for allowing the civil application. At the same time, the applicant shall pay cost of Rs.750/- to the respondent or their Advocate within a period of two weeks from today. Hence, following order:-

- (a) Civil application is allowed.
- (b) Delay of 120 days in filing first appeal is condoned;
- (c) Applicant to pay costs of Rs.750/- to the respondent or his Advocate within two weeks from today.
- (d) Application disposed of.

(K.K.TATED, J.)