

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.403 OF 2015
IN
APPEAL FROM ORDER (ST) NO.6213 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.Ashok Kumar Mishra for the applicant

Mr.S.P.Thorat for the respondent no.7

Mr.A.V.Divarte for the BMC/respondent no.8

CORAM : K.K.TATED, J.

DATED : 14/07/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 Advocate for applicant submits that the respondents are duly served by private notice. He filed Affidavit of Service dated 22.6.2015. Same is taken on record.
- 3 This application is preferred by plaintiff for condonation of 163 days delay in filing Appeal from Order.
- 4 On the other hand, the learned Counsel for the respondent nos.7 and 8 vehemently oppose the present Civil Application. He submits that applicant has not shown sufficient cause for

condonation of 163 days delay in filing Appeal from Order. Hence, there is no substance in the present Civil Application and same be dismissed with costs

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in Civil Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. At the same time, applicant has to pay cost of Rs.150/- each to the respondent nos.7 and 8 within 2 weeks from today. Hence, following order:

- a) Delay of 106 days in filing Appeal from Order is condoned.
- b) Applicant to pay cost of Rs.150/- each to the respondent nos.7 and 8 within 2 weeks from today.
- c) Civil application stands disposed of accordingly.

(K.K.TATED, J.)