

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

**CIVIL APPLICATION NO.1320 OF 2014
IN
APPEAL FROM ORDER (ST) NO.14536 OF 2014**

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.Suryaprakash H. Mishra for the applicant

Mr.Omar Shaikh i/b Mr.S.S.Bangera for the respondent

CORAM : K.K.TATED, J.
DATED : 09/06/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by plaintiff for condonation of 26 days delay in filing Appeal from Order challenging the order dated 6.3.2014 passed by Bombay City Civil Court, Mumbai in Notice of Motion No.2269 of 2012 in Suit No.513 of 2012.
- 3 The learned counsel for the respondent defendant vehemently opposed the present Civil Application. He submits that applicant has not shown sufficient cause for condonation of delay. Hence, there is no substance in the present Civil Application and same be rejected with costs.

4 I have heard both the sides at length.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application but at the same time, applicant has to pay cost of Rs.5000/- to the respondent defendant. Cost to be paid within four weeks from today. Hence, following order:

- a) Delay of 26 days in filing Appeal from Order is condoned.
- b) Applicant to pay cost of Rs.5,000/- to the respondent or their advocate within four weeks from today, failing which Civil Application shall stand dismissed without referring back to the court.
- c) Civil application stands disposed off accordingly.

(K.K.TATED, J.)