

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 339 OF 2015

M/s. Sumeet Pragati Developers LLP .. Applicants

vs.

The Bharat Cooperative Bank (Mumbai)
Ltd. and anr. .. Respondents

Mr. Y. V. Divekar i/b M/s. Divekar & Co. for the Applicants.
Mr. Niranjan Jagtap a/w. Mr. Vineet Jagtap i/b Niranjan Jagtap & Co
for the Respondents.

CORAM : M. S. SONAK, J.
DATE : 11 AUGUST 2015.

P.C. :-

1] Heard the learned counsel for the parties. There is delay of '1' year and '324' days in filing the Civil Revision Application. The explanation offered is that the BMC in February 2015 has issued information/clarification with regard to increase in repair cess. On basis of such information, the decision was taken to institute the Civil Revision Application. The applicants, have offered to pay costs of Rs.50,000/- to the respondent No.1 in order to mitigate, prejudice, if any, on account of delay in instituting the Civil Revision Application.

2] Considering the aforesaid circumstances, including in particular the offer for payment of costs of Rs.50,000/- the delay of

'1' year and '324' days in filing the Civil Revision Application is condoned. The learned counsel for the applicants states that the costs of Rs.50,000/- will be paid directly to the respondent No.1 within a period of three weeks from today.

3] In case the costs are paid and necessary evidence to that effect is filed in the Registry within a period of three weeks from today, place the Civil Revision Application for admission on 14 September 2015.

4] If however, the costs are not paid, then the application for condonation of delay shall be deemed to have been dismissed and consequently, there shall be no necessity to hear the Civil Revision Application any further.

5] Civil Application is disposed of in the aforesaid terms.

(M. S. SONAK, J.)