

Sequeira

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

***CIVIL APPLICATION NO. 570 OF 2014
in
CIVIL REVISION APPLICATION NO. 985 OF 2014.***

Union of India
through Dept. of Posts and Telegraph
Ministry of Communication & Information
New Delhi & ors.

.. Petitioners /
(Ori. Respondents /
Ori. Defendants)

Vs

Shikshan Prasarak Mandali
Dr.Miss Sunanda Prabhakar Wagle

.. Respondent /
(Ori. Appellant /
Ori. Plaintiff)

Mr.Eeshan Sahastrabudhe i/b Mr.Vinod Joshi, for Applicants.
Mr.S.C.Wakankar, for the Respondent.

***CORAM: N.M.Jamdar, J.
Wednesday 15 April, 2015***

PC :

By this application, the Applicant-Union of India seeks to condone delay of 332 days in filing the Civil Revision Application.

2 The Applicant-Union of India runs a post-office in the suit premises for which decree of eviction has been passed by the District Judge, Pune, on 20 April 2013. After the impugned Judgment and Decree, the certified copy was received on 26 April

2013. Thereafter it appears that due to administrative procedure, there was a delay in filing the appeal. The learned counsel for the Applicants submitted that though it is not stated in the application, the Applicant-Union of India had filed a Second Appeal No.473 of 2013 which was thereafter withdrawn with liberty on 3 October 2013 to file a Civil Revision Application. Thereafter again the administrative procedure had to be followed to file the Revision Application and therefore, there was a delay. No reply has been filed. The assertion of the Applicants has gone uncontroverted.

3 Considering the averments made, I am of the opinion that delay in filing the Civil Revision Application needs to be condoned, by imposition of costs. Accordingly, the Civil application is allowed in terms of prayer clause (a) subject to the costs of Rs.5,000/- to be paid to the Respondent within a period of six weeks from today. The Applicants shall remove office objections, if any, within period of one week from today. Place the Civil Revision Application for admission on 5 May 2015.

(N.M.Jamdar, J.)