

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

**CIVIL APPLICATION NO.2914 OF 2014
IN
FIRST APPEAL (ST). NO.18796 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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Mrs.Sulbha A. Dhamale for the applicant

Mr.J.N.Jayale for the respondent nos.2 and 3

CORAM : K.K.TATED, J.
DATED : 07/08/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 Advocate for the applicant submits that respondent no.4 MHADA is duly served by private notice. He undertakes to file affidavit of service within one week from today.
- 3 Statement is accepted.
- 4 This application is preferred by plaintiffs for condonation of 63 days delay in filing First Appeal challenging the judgment and decree dated 18.3.2014 passed by City Civil Court at Dindoshi, (Borivali Division), Goregaon, Mumbai in S.C. Suit No. 5020 of 2002 by which the plaintiff's suit stand dismissed.
- 5 Respondent nos.2 and 3 filed their Affidavit-

in-Reply to oppose the present Civil Application. He submits that applicant has made incorrect statement in the present Civil Application on oath.

6 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 to pay cost of Rs.2500/- to respondent nos.2 and 3 or their Advocate within four weeks from today. Hence, following order:

- a) Delay of 63 days in filing First Appeal is condoned.
- b) Applicant to pay cost of Rs.2500/- to respondent nos.2 and 3 or their Advocate within four weeks from today.
- c) Civil application stands disposed off accordingly.

(K.K.TATED, J.)