

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.2539 OF 2015
WITH
CIVIL APPLICATION NO.2540 OF 2015
IN
FIRST APPEAL (ST.) NO.19748 OF 2015**

Hemant Vartak	... Appellant
vs.	
M/s. Anand Control Systemes	... Respondent

Mr. Bakul Bhosale, for the Appellant.
Mr. Vijaykumar Sharma, for the Respondent.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **23rd OCTOBER, 2015**

P.C.:

. The application is moved for condonation of delay of 518 days in filing First Appeal. The learned counsel for the applicant submits that it is a money decree passed in Summary Suit No. 8191 of 2002 by the City Civil Court, Greater Mumbai. He submits that the delay is caused due to financial difficulty of the applicant. So also he took time to collect the certified copies. He submitted that the office

of the learned counsel had shifted and the file was misplaced. So due to all these reasons there is delay.

2. The learned counsel for the Respondent submits that the delay is not of 518 days but it is of 661 days. He submits that the applicant has suppressed the fact that on 7th July, 2015 his property was attached and this fact is suppressed in this application and so also in the Appeal which was filed on 23rd July, 2015.

3. Considering the submissions of the learned counsel for the parties, it is admitted fact that the delay has been caused as the learned counsel for the Appellant misplaced the file. The party should not be suffered due to lapses on the part of the advocate. Hence, the delay is condoned subject to cost of Rs. 1,000/-.

4. Place the Appeal for admission on 4th December, 2015.

(MRS.MRIDULA BHATKAR, J.)