

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

**CIVIL APPLICATION NO.1058 OF 2014
IN
APPEAL FROM ORDER (ST) NO.21101 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.D.A.Nalavade i/b Mr.Ravindra Lokhande for the applicant

Mr.S.S.Kulkarni i/b Mr.R.M.Sawant for the respondent no.1

Mr.Omar Shaikh for the respondent no.2

Mr.R.P.Surve for the respondent nos.3 to 5

CORAM : K.K.TATED, J.

DATED : 16/02/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 Counsel for the applicant submits that they served respondent no.6 by speed post. The packet returned unserved with remark 'refused to accept'. He undertakes to file affidavit of service within one week from today. Same is accepted.
- 3 This application is preferred by original defendant nos.1 and 2 for condonation of 59 days delay in filing Appeal from Order.

4 The learned counsel Mr.S.S.Kulkarni appearing for respondent no.1 filed Affidavit-in-Reply. Same is taken on record. He vehemently opposed the present Civil Application.

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. Hence, the following order:

- a) Delay of 59 days in filing Appeal from Order is condoned.
- b) Office is directed to register Appeal from Order if all office objections are removed.
- c) If all office objections are removed by the applicant, Appeal from Order be placed on board for admission thereafter.

(K.K.TATED, J.)