

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.489 OF 2013**

**(For Delay Condonation)**

**IN**

**CIVIL REVISION APPLICATION STAMP NO.22582 OF 2013**

Nashik Municipal Corporation and Anr. ] ... Applicants

Versus

Shri Lahanu Abaji Unhale (Since Deceased ]  
Through L.R.s) and Ors. ] ... Respondents

Mr. J. Shekhar i/b J. Shekhar & Co. for Petitioners.

Ms. Yogita Deshmukh h/f Mr. M. M. Sathaye for Respondent Nos.1 & 2.

Mr. Rajan Pawar, A.G.P, for Respondent No.3.

**CORAM :- M. S. SONAK, J.**

**DATE :- MARCH 25, 2015**

**P. C. :-**

1. This is an application seeking condonation of delay of 267 days in preferring the Civil Revision Application. The reason for the delay as stated in the application seeking condonation is that the Advocate who represented the Nasik Municipal Corporation before the trial Court had instructed the clerk to send a certified copy to the Advocate in Mumbai for the purposes of preferring this Revision

Application. However, the clerk misplaced the copy and there was consequent delay in tracking the same and sending the same to Mumbai.

2. Considering that the Applicant is a Corporation and had relied upon its Advocate for the purposes of taking steps to challenge the impugned order, it cannot be said that the cause shown is either malafide or oblique. No doubt, the Corporation could have been more diligent in the matter. However, the lack of diligence is not of such a nature, as to non-suit the Corporation in the matter of instituting the Revision Application. The prejudice to the Respondents, in a situation of this nature, can always be compensated by way of costs.

3. Accordingly, the delay in institution of the Civil Revision Application is condoned subject to the Applicant/Corporation paying costs of Rs.5,000/- (Rupees Five Thousand Only) in favour of Respondent Nos.1 and 2.

4. Civil Application is disposed of accordingly.

**(M. S. SONAK, J.)**