

Sequeira

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

*CIVIL APPLICATION NO. 666 OF 2014.
IN
CIVIL REVISION APPLICATION (St.)NO. 30023 OF 2014*

Mr.Dattaram Shivram Chalke. .. Applicant
Vs.
Smt.Sulbhabai Shantaram Shirdhankar & ors. .. Respondents.

Mr.S.A.Bhagwat a/w Suparana Holamagi i/b Kay Legal, for the Applicant.
Mr.R.M.Haridas, for Respondent No.2.

***CORAM: N.M.Jamdar, J.
Saturday 18 April, 2015***

PC :

By this Application, the Applicant prays that the delay of 74 days in filing Civil Revision Application be condoned.

2 The Applicant is a landlord of the premises. His suit was decreed by the learned Judge, Small Causes Court, Mumbai. The Appeal filed by Respondents / tenants has been allowed. Thereafter the Applicant has filed this Revision Application. The reason for 74 days delay is given as the concerned Advocate was unwell and consequently resigned from the office. Notices have been issued. Respondents are served. The learned counsel for the Respondent No.2 opposes the Application. He states that adequate reasons are not furnished in the Application.

3 However, the Court normally takes different approaches while applying principles of law as regards delay of substantial nature and delay of short duration. The reason given is that the Advocate for the Applicant was unwell. This statement is made on affidavit. There is no reason to disbelieve this statement. By condoning the delay, prejudice if any, to the Respondents can always be offset by imposing costs. Accordingly, Civil Application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.5,000/- (total) by the Applicant to the Respondents within period of two weeks from today.

 List the Civil Revision Application after removal of objections, as per it's CMIS date.

(N.M.Jamdar, J.)