

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
CIVIL APPLICATION NO.4284 OF 2014
IN
FIRST APPEL ST.NO.30838 OF 2013

Office Notes, Office memorandum of Coram, appearances, Court's orders or directions & Registrar's orders.

Court's or Judge's orders.

Shri R.S. Khadapkar for the Applicant.

Shri Ashish Kamat along with Shri Abhay Jadeja and Shri Sujit Lahoti i/by M/s. Crawford Baylay for the Respondents.

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CORAM : A.S. OKA & A.P.BHANGALE, JJ
DATED : 20TH MARCH 2015

P.C.:

. Heard learned counsel appearing for the Applicant and the learned counsel appearing for the Respondents. The Application for condonation of delay is opposed by the learned counsel appearing for the Respondents. The decree has been passed against the Applicant-Pune Municipal Corporation directing the Applicant Municipal Corporation to hand over TDR to the extent of 45465 sq. feet or in the alternative to pay a sum of Rs.1,36,39,500/- to the Respondents/Original Plaintiffs with interest thereon at the rate of 6% per annum. The

opposition is on the ground that false statements have been made in the Application. The only statement made in Paragraph II in the Application is that as the decree was an ex parte, the Applicant Municipal Corporation was not aware of the same. By filing a reply, the Respondents have shown that the Applicant Municipal Corporation had engaged an Advocate.

2. A copy of the roznama has been annexed to the reply which shows that on the last several dates, the Advocate representing the Applicant was absent. It is in that sense the Applicant has stated that the suit was decided ex -parte and that the Applicant had no knowledge of the decree. Considering the nature of the impugned decree and considering the explanation in the Application, sufficient cause is made out. Accordingly, a case for condonation of delay is made out. The Rule is made absolute in terms of prayer clause (a).

(A.PBHANGALE, J)

(A.S.OKA, J)