

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 1435 OF 2014
IN
APPEAL FROM ORDER (ST) NO. 30670 OF 2014**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Ms. Purvi Doctor i/b Mahesh Ayare for the applicant.
Mr. M. B. Jadhav for respondent no.1.

**CORAM : K. K. TATED, J.
DATED : 27/04/2015.**

PC.:

- . Heard learned Counsel for the parties.
- 2 This Application is preferred by the defendant nos. 1 and 2 for condonation of 40 days delay in filing Appeal from Order challenging the order dated 22.08.2014 passed by the Bombay City Civil Court, Mumbai in Notice of Motion no. 3345 of 2014 in S.C. Suit No. 2270 of 2014.
- 3 The learned counsel for the applicant submits that the settlement talks were going on between the parties and hence, there is delay in filing Appeal from Order. In support of this contention, the Advocate for the applicant relies on paragraph 3 of the Civil Application. On the basis of these submissions, the learned counsel for the applicant

submits that in the interest of justice this Hon'ble Court be pleased to condone the delay in preferring Appeal from Order.

4 On the other hand, the learned counsel for the respondent/plaintiff vehemently opposed the present Civil Application. He submits that applicant has not shown sufficient cause for condonation of inordinate delay. He submits that the reasoned disclosed by the applicant in paragraph 3 of Civil application is incorrect. He submits that there were no settlement talks going on between the parties. Hence, applicant has made incorrect statement in Civil Application for condonation of delay. Hence, Civil Application be rejected.

5 I heard both the sides at length. It is to be noted that in the present proceeding, there is delay of 40 days in filing Appeal from Order. The reasons disclosed by the applicant in Civil Application make out the sufficient cause for allowing the present Civil Application. But, at the same time, applicant to pay Cost of Rs.5,000/- to the respondent no.1. Cost to be paid within four weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

6 Hence, the following order.

a) Delay in filing Appeal from Order is condoned.

b) Applicant to pay Cost of Rs.5,000/- to the respondent no.1 within four weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

c) Civil Application is disposed of accordingly.

(K.K.TATED, J.)