

YBG

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1086 OF 2014
IN
FIRST APPEAL ST.NO.33273 OF 2013

Bostal Huns Maben & Anr. ... Applicants

V/s.

Maharashtra Industrial Development
Corporation and Anr. ... Respondents

Smt. Anjali Helekar for applicants

Mr.prashant Chavan with Mr.Navdeep Vora, Mr.Meet Vora i/b. Navdeep
Vora and Associates for respondent No.1

CORAM : K.K.TATED, J.

DATED : 13th March 2015.

P.C.

1] Heard the learned Counsel for the parties. This application is preferred by the plaintiffs for condonation of delay of one year and 167 days in filing first appeal, challenging the judgement and decree dated 6th march 2012 passed by City Civil Court at Dindoshi in S.C.Suit No.7013 of 2002.

2] Learned Counsel appearing for respondent No.1 vehemently opposed the civil application.

3] Though the respondent No.2 is duly served, no one appears for respondent No.2 when the matter was called out.

4] The learned Counsel for respondent No.1 submits that the applicant has not shown sufficient ground for condonation of delay.

5] Considering the submissions made by the learned Counsel for the applicant and averments made in paras 6 and 7 of the civil application, I am satisfied that the applicant has made out a case for allowing the civil application. Hence, following order:-

(a) The delay of one year and 167 days in filing first appeal is condoned;

(b) applicant to pay cost of Rs.5000/- to the respondents within four weeks from today, failing which the civil application to stand dismissed without further reference back to the court.

(c) Application is disposed of accordingly.

(K.K.TATED, J)