

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

**CIVIL APPLICATION NO.3902 OF 2014
IN
FIRST APPEAL (ST) NO.35555 OF 2013**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.Shashank Chaudhary i/b Mr.Sachin V. Masurkar for the applicant

Mr.Devendra Sharma for the respondent

CORAM : K.K.TATED, J.
DATED : 06/02/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by plaintiff for condonation of 142 days delay in filing First Appeal challenging the judgment and decree dated 22.3.2013 passed by City Civil Court for Gr.Mumbai at Dindoshi, Mumbai in S.C.Suit No.1879 of 2000.
- 3 The learned counsel for the respondent vehemently opposed the present Civil Application. They filed Affidavit-in-Reply dated 9.8.2014.
- 4 The learned counsel for the respondent

submits that applicant has not shown sufficient cause for condonation of 142 days delay in filing First Appeal. He further submits that the dates given in Civil Application are also incorrect. Hence, Civil Application be dismissed with costs.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. At the same time, applicant has to pay cost of Rs.2500/- to the respondent or their advocate within four weeks from today. Hence, following order:

A) Civil Application is allowed in terms of prayer clause (a) which read thus:

“(a) That the delay of 142 days in filing the present Appeal be condoned and the Appeal be heard on merits.”

B) Applicant to pay cost of Rs.2500/- either to the respondent or their advocate within four weeks from today.

C) Civil Application is disposed of accordingly.

(K.K.TATED, J.)