

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

CIVIL APPLICATION NO.2774 OF 2014
IN
FIRST APPEAL (ST) NO.36181 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. J. P. Nishad i/b. Ashok M. Saraogi for the Applicant

Mr. Z. M. Kherodawala i/b. Rajesh S. Patil for the Respondent No.2.

CORAM : K. K. TATED, J.

DATE : APRIL 17, 2015

P.C.:

1. Heard. None for the Respondent Nos.1 and 3 though served.

2. This Application is preferred by the Plaintiff for condonation of 27 days delay in filing the First Appeal challenging the judgment and decree dated 15/10/2013 passed by the Bombay City Civil Court, Mumbai Goregaon in S.C.Suit No.2860/2009.

3. The learned counsel for the Respondent No.2 vehemently opposed the Civil Application. She filed Affidavit-in-Reply dated 14/01/2015 and opposed the Civil Application. She submits that

the Applicant has not shown sufficient cause for condonation of delay. There is no substance in the Civil Application. The Civil Application to be dismissed with costs.

4. Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and reasons disclosed by the Applicant in paragraph 4 and 5 of the Civil Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. At the same time, the Applicant to pay cost of Rs.500/- to the Respondent No.2 or their Advocate within 4 weeks from today.

5. Hence, the following order:

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

a) That delay of 27 days in filing the present First Appeal be condoned on such terms and condition as this Hon'ble Court may deem fit and proper.

b) The Applicant to pay cost of Rs.500/- to the Respondent No.2 or their Advocate within 4 weeks from today.

c) Civil Application stands disposed off accordingly.

JUDGE