

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

**CIVIL APPLICATION NO. 424 OF 2014
IN
FIRST APPEAL (ST) NO. 36204 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. Rupesh Nalawade for the applicant.
Mr. Indrajit Suryawanshi i/b Thodur Law Aso. for the respondent.

**CORAM : K. K. TATED, J.
DATED : 22/04/2015.**

PC.:

. Heard learned Counsel for the parties.

2 This application is preferred by plaintiff for condonation of 50 days delay in filing First Appeal, challenging the judgment and decree dated 26.09.2013 passed by Bombay City Civil Court, Mumbai in S.C. No. 1563 of 2007.

3 The learned counsel for the applicant submits that in Trial Court the applicant appointed Power of Attorney Shri. Dhananjay Patil to conduct the trial. He submits that the said Power of Attorney holder failed and neglected to inform the applicant about the decision given by the Trial Court. Hence, there is a delay in preferring Civil Application.

4 On the other hand, the learned counsel for the

respondent vehemently opposed the present Civil Application. He submits that applicant has not shown sufficient cause for condonation of more than 50 days delay. There is no substance in the civil application. Hence, civil application be dismissed with costs.

5 Considering the submissions made by the learned counsel for the applicant that the power of attorney holder of applicant failed and neglected to inform the applicant about the decision given by the Trial Court, hence, there is a delay, is the sufficient cause for allowing the present Civil Application, but at the same time, applicant has to pay sum of Rs.1500/- by way of cost to the respondent society within two weeks from today.

6 Hence, the following order.

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

“a) that this Hon'ble Court be pleased to condone the delay of 50 days in filing the present First Appeal.”

ii) Applicant to pay cost of Rs.1500/- to the respondent within two weeks from today.

iii) Civil Application is disposed of accordingly.

(K.K.TATED, J.)