

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

***CIVIL APPLICATION NO. 670 OF 2014
IN
SECOND APPEAL (ST) NO. 797 OF 2014***

Kalyan Dombivli Municipal Corpn. ... Applicant

v/s

Association for Christian for
Social Welfare, & anr. ... Respondents

Mr.A.S.Rao for the applicant.

Mr.J.M.D'Silva for Resp. Nos.1 and 2.

Coram: N.M. Jamdar, J.

Dated: 29 July, 2016

P.C.:

The application is filed by the Municipal Corporation seeking to condone the delay of one year and 166 days in filing the second appeal.

2 I have heard learned counsel for the parties and perused the reply.

3 The subject matter of the suit is a burial ground for the Christian community. The Municipal Corporation has been directed to hand over the suit land to the Respondents/Plaintiffs as burial

ground by removing encroachment. Considering the subject matter in the controversy and the reasons stated in the application and the fact that the Applicant is a public body, the civil application deserves to be allowed.

4 Accordingly, the civil application is allowed in terms of prayer clause (b).

5 Place the appeal on board on 26 August 2016.

6 All office objections to be removed before the next date.

(N. M. Jamdar, J.)