

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.468 OF 2015
WITH
CIVIL APPLICATION NO.3559 OF 2014
IN
FIRST APPEAL NO.1365 OF 2011**

Sayed Mustafa Razzak	... Applicant
vs.	
Kamalbassha Abdul Subhan Labhe and Others	... Respondents

Mr. S.S. Kharat i/b. Pradeep Havnur, for the Applicant
Ms. M.R. Bhoir, for the Respondent-BMC.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **17th FEBRUARY, 2016**

P.C.:

. The learned counsel for the Appellant submits that he has filed an affidavit in support of service to Respondent Nos. 1, 2 and 4. He further submits that there is delay of 3 years in taking the present Civil Application due to the death of Advocate Mr. M. N. Havnur who was earlier attending this matter and therefore the matter remained unattended. He submits that hence the fact that the Civil Application No., 2496 of 2011 was dismissed for non prosecution was not noticed

by the Appellant. He prayed that the delay be condoned and Appeal be restored by setting aside the order dated 26th July, 2011 passed in Civil Application No. 2496 of 2011.

2. In view of these controverted submissions, the delay of 3 years is hereby condoned and the order dated 26th July, 2011 is hereby set aside. The Civil Application No. 2496 of 2011 is restored to its original file.

(MRS.MRIDULA BHATKAR, J.)