

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

CIVIL APPLICATION NO. 824 OF 2016

IN

FIRST APPEAL (ST.) NO. 3311 OF 2016

M/s. Transocean Shipping Agency Pvt.Ltd. ...Appellant

Versus

**The Board of Trustees of the Port of Bombay ...Respondents
& Anr.**

Mr. S.S. Shah, for the Appellant.

Mr. Rakesh Singh, i/b M.V. Kini & Co., for the Respondent No. 1.

Mr. Rahul Khairnar, for the Respondent No. 2.

CORAM : R.M. SAVANT, J.

DATE : 9th August 2016

PC. :

1. The above Civil Application has been filed for condonation of delay of 139 days in filing the above First Appeal. The reasons therefore, are mentioned in paragraphs 4 and 5 of the Civil Application. The learned Counsel appearing on behalf of the Respondent No. 1 i.e. the Decree-holder opposes the Application, but

ultimately, leaves it to this Court. Respondent No. 2 is the Joint Judgment-Debtor with the Appellant. In my view, having regard to the reasons mentioned in paragraphs 4 and 5 of the Civil Application, the same can be said to constitute sufficient cause for condonation of delay of the said 139 days. The Civil Application is accordingly allowed. Resultantly, the delay of 139 days in filing the above First Appeal stands condoned. The Civil Application is accordingly disposed of.

2. The Applicant/Appellant to pay costs of Rs. 1,000/- (Rupees One Thousand only) to the Respondent No. 1 to be handed over to the Advocate for the Respondent No. 1 in the name of the Respondent No. 1.

[R.M. SAVANT, J.]