

## IN THE HIGH COURT OF JUDICATURE AT MUMBAI

## CIVIL APPELLATE JURISDICTION

## CIVIL APPLICATION NO.218 OF 2015

IN

## CIVIL REVISION APPLICATION (ST.) NO.8401 OF 2015

(Kumar T. Jain Vs. The Stock Holding Corporation of India Limited and others)

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| <b>Office Notes, Office Memoranda of Coram, appearances, Court's orders, or directions, and Registrar's Orders</b> | <b>Court's or Judge's orders</b> |
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Mr. P. Ranjan i/b. M/s. Halai & Co. for Applicant.  
Ms Nalini J. Boradia, representative of Respondents No.1 & 2.

**CORAM : R. G. KETKAR, J.****DATE : 06<sup>TH</sup> MAY, 2016****P.C.:**

Heard Mr. Ranjan, learned Counsel for applicant and Ms Boradia, representative of respondents No.1 and 2.

2. This is an application for condonation of delay of 4 days in filing the C.R.A. Ms Boradia states that delay is not of 4 days but is of 4 months. She has invited my attention to the order dated 26.11.2014 passed by the learned trial Judge holding that the Suit is within limitation as also the affidavit-in-reply filed on behalf of respondents No.1 and 2.

3. In the case of *State of Nagaland Vs. Lipok AO*, (2005) 3 SCC 752, Apex Court has held that what counts

is not the length of the delay but the sufficiency of the cause and shortness of the delay is one of the circumstances to be taken into account in using the discretion. The expression “sufficient cause” should be considered with pragmatism in a justice-oriented approach rather than the technical detection of sufficient cause for explaining every day's delay.

4. Having regard to the fact that the delay is of 4 days and assuming that delay is of 4 months as also in view of the decision of the Apex Court in the case of **State of Nagaland** (*supra*), Civil Application is allowed in terms of prayer clause (a) with no order as to costs. Office is directed to register the C.R.A., if it is otherwise ready.

**(R. G. KETKAR, J.)**

*Minal Parab*