

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.608 OF 2016
IN
APPEAL FROM ORDER (ST) NO.9712 OF 2016

Galpha Laboratories Ltd.	...Applicants/Appellants
Vs.	
Export Credit Guarantee Corporation of India	...Respondents.

Mr. P.N.Kilpady, Advocate for Applicants/Appellants.
Mr. Mayur Bhojwani i/by Manilal Kher Ambalal & Co., Advocate for Respondents.

CORAM: R.M.SAVANT, J.
DATED : 11th July, 2016

PC.

The above Civil Application has been filed seeking condonation of delay of 171 days in filing the above Appeal from Order. The reasons therefor are mentioned in paragraphs 3 of the above Civil Application. The sum and substance of the reasons is that having regard to the ground on which the Notice of Motion came to be dismissed, the Applicants were desirous of getting the legal advice. In the said process, some time was lost resulting in the delay of 171 days in filing the above Appeal from Order.

2 The said reasons mentioned in the Civil Application are sought to be controverted by the respondents by filing an affidavit -in-reply. In the said affidavit-in-reply, Applicants' conduct prior to the Suit being dismissed for non

prosecution is being questioned. It is also sought to be pointed out that the Notice of Motion filed by the applicants for restoration is dismissed on the ground of the same being not maintainable. The said facts are cited to demonstrate the conduct of the Applicants/Appellants.

3 The learned counsel for the parties would seek to make submissions for and against the delay being condoned.

4 In my view having regard to the reasons mentioned in the above Civil Application as also having regard to the fact that the reasons mentioned in the Civil Application can be said to be too plausible, reasons for the delay of 171 days occurring in filing the Appeal From Order is required to be condoned. For the inconvenience or prejudice, if any, that would be caused to the Respondents the same can be adequately compensated by way of cost. The above Civil Application is, accordingly, allowed. Resultantly, delay of 171 days in filing Appeal from Order stands condoned. The Applicant to pay costs of Rs.10,000/- to the Respondents within a period of two weeks from the date. Payment of the said costs is a condition precedent. If the costs are not paid by the Applicants to the Respondents as directed by the instant order, the above Civil Application No.608 of 2016 would be deemed to have been rejected. The said costs to be paid to the Respondents through their advocates who are appearing for them, who would accept the same on their behalf. In the event,

the costs are paid, the above Appeal From Order be numbered and listed for admission after two weeks. The above Civil Application is, accordingly, disposed of.

(R.M.SAVANT, J)