

Rane

* 1/3 *

CA-1551-2016
CA-1548-2016
(sr. no.903 & 904)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1551 OF 2016

IN

FIRST APPEAL (ST) NO. 2760 OF 2016

IN

B.C.C.C. SUIT NO. 3626 OF 2010

Lata Rajendra Gala

.....Applicant/Appellant
(Orig. Defendant)

v/s.

M/s. Greenscape Developers
Private Limited

.....Respondent
(Orig. Plaintiff)

CIVIL APPLICATION NO. 1548 OF 2016

IN

FIRST APPEAL (ST) NO. 2693 OF 2016

IN

B.C.C.C. SUIT NO. 3625 OF 2010

Rajendra Gala

.....Applicant/Appellant
(Orig. Defendant)

v/s.

M/s. Greenscape Developers
Private Limited

.....Respondent
(Orig. Plaintiff)

* * * * *

Ms. Harsha Y. Shah i/by. Mr. Y.R. Shah, Advocate for the applicant.

Mr. M.P. Vora i/by. M/s. Pramodkumar & Co., Advocate for the respondent.

Coram :- Smt. R.P. SondurBaldota, J.

22nd April, 2016.

P.C. :-

1). This is a common order on the above two Civil Applications taken out for condonation of delay of 29 days in filing the First Appeals. The first application is by the husband and the second application is by the wife. The applications are opposed by the respondent.

2). The judgment impugned in the First Appeal was filed on 30th September, 2015. The applicants had filed applications for certified copy on 3rd October, 2015 and the same was ready on 20th November, 2015. The appeal herein was filed on 20th January, 2016 and the present application for condonation of delay filed in the month of March, 2016. At para-4 of the application, the applicants state the reason for the delay. It is stated that they were busy with the preparation of their daughter's marriage and as such could not instruct the Advocate for preparing the Appeal. The date of marriage has not been disclosed in the applications. However, Ms. Shah, the learned Advocate appearing for the applicant states on instructions that the marriage took place on 29th January, 2016. She submits that, since the applicants had to make preparation for the marriage, as well as, for filing of the present appeals, both involving substantial expenses, there was some delay on the part of the applicants in making arrangements for the funds, as well as, for preparation of the appeal.

3). Mr. Vora, the learned Advocate appearing for the respondent, argues that the reason stated by the applicants cannot be said to be sufficient since the appeal has been filed even before the date of the marriage. The decree impugned herein is a money decree.

4). The reason stated for the delay is not the marriage of the daughter but the preparations for the marriage of the daughter. It is seen that, the applicants have infact prepared for both, for wedding of the daughter, as well as, for filing of the appeal herein. In that circumstance, in my opinion, the applicants have made out sufficient cause for condonation of delay. Hence, the Civil Applications are allowed. Office to number the appeals and place the same for admission in due course.

(SMT. R.P. SONDURBALDOTA, J)