

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1414 OF 2016
IN
FIRST APPEAL (ST) NO. 10792 OF 2016
IN
LONG CAUSE SUIT NO. 1703 OF 2010

The Municipal Corporation of
Greater Mumbai

.....Applicant

V/s.

Mohammed Ashraf Abdul
Karim Kapadia

.....Respondent

* * * * *

Mrs. Mamta R. Bhoir, Advocate for the applicant.

Mr. Aashish Kamat i/by. M/s. Ranjit & Co., Advocate for the respondent.

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

22nd April, 2016.

P.C. :-

1). The Civil Application is taken out by Mumbai Municipal Corporation for condonation of delay of 34 days in filing the appeal from the judgment and decree dated 25th January, 2016 passed by the Bombay City Civil Court. The applicant had made an application for certified copy on 1st February, 2016 and received the same on 9th February, 2016 but thereafter did not file the appeal alongwith the present application until 30th March, 2016. The explanation for the delay is stated at para-6 of the application, the relevant portion whereof reads as under :-

“ . The delay is due to the fact of the cases and to attend in the court in the alternate days apart from drafting the written statement/affidavit in the matters including the urgent matters, the above all, there is procedural delay and hence, this Hon'ble High Court is requested to condone the delay of 34 days in the filing the appeal which is unintentional.”

2). From what one can make out of the above explanation, the advocates appearing for the applicant were too busy to prepare the appeal. If that was so, it was necessary for the applicant to make alternate arrangements. Mr. Kamat, the learned Advocate appearing for the respondent, points out that the decree impugned in the present appeal is an ex-parte decree for want of written statement. If that is so, the explanation set out stands falsified. Thus, no case whatsoever, much less, satisfactory is made out by the applicant for condonation of delay. The Civil Application is dismissed.

(SMT. R.P. SONDURBALDOTA, J)