

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

***CIVIL REVN. APPLICATION NO. 451 OF 2016***

M/s.Asha Entrade Pvt.Ltd. Through  
its Director Mr.Rajesh K. Surana ... Applicant

v/s

M/s.Shreeji Associates through  
its Proprietor Mr.Jigan Goradiya. ... Respondent

Mr.Sanjaykumar R. Sao for the applicant.

Mr.Akhilesh Dubey along with Akhilesh Mishra and Paritosh Shukla  
i/by M/s.Law Counselor for the respondent.

***Coram: N.M. Jamdar, J.***

***Dated: 3 October 2016***

***P.C.:***

By the impugned order dated 16 December 2015, the application for condonation of delay taken out by the Respondent for leave to defend has been granted by the learned Civil Judge, Senior Division, Thane.

2     Learned counsel for the Applicant submitted that the delay is not of 88 days as specified in the order but it is of 8 days. Learned counsel for the Respondent points out that this observation is correct

as the summons for judgment was served on 10 August 2015 and the leave to defend ought to have been sought within eight days but it was sought on 28 August 2015 and, therefore, it is correctly held as the delay of eight days. Even assuming that the delay is of 88 days, as sought to be contended by the Applicant, the reason that is given is of illness of the Respondent and if that is accepted and delay of 88 days, which is of short duration, is condoned subject to cost, it cannot be said that the exercise of discretion by the learned Civil Judge is perverse or without jurisdiction to warrant interference by this Court.

3      The civil revision application is rejected.

*(N. M. Jamdar, J.)*