

**FARAD CONTINUATION SHEET  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.  
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 3464 OF 2014  
IN  
FIRST APPEAL (ST) NO. 20206 OF 2014**

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|-----------------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders | Court's or Judge's orders |
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Mr. M.D. Pokale for the applicant.  
None for Respondents.

**CORAM : K. K. TATED, J.  
DATED : 16/02/2016**

**P.C.:**

- . Heard learned Counsel for the applicant.
- 2 Though, the respondents are duly served, no one appeared on behalf of them when the matter called out.
- 3 The learned counsel for the applicant submits that applicant filed affidavit of service dated 30.01.2016 stating that suit structure was very much in existence till 26.11.2015. Whereas, bailiff report shows that suit structure was demolished since long back and all the tenants were shifted elsewhere. Relying on affidavit dated 30.01.2016 filed by Mr. Ashish Sureshkumar Mali, Constituted Attorney of the Appellant, it is to be treated that Respondents are duly served.

4 This application is preferred by plaintiff for condonation of 104 days delay in filing First Appeal challenging the judgment and decree dated 20.02.2014 passed by Bombay City Civil Court, Mumbai.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

6 Hence, the following order:

a) Civil Application is allowed in terms of prayer clause (a) which read thus :

*“a) That this Hon'ble Court may be pleased to condone the delay of 104 days in filing the First Appeal.”*

b) Civil application stands disposed off accordingly.

**(K.K.TATED, J.)**