

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

CIVIL APPLICATION NO.108 OF 2016

IN

CIVIL APPLICATION NO.708 OF 2015

IN

APPEAL FROM ORDER STAMP NO.11681 OF 2015

(REJECTED CASE NO.743 OF 2015)

Smt. Dr. Jasbir Kaur Kulbir Singh Saluja .. Applicant/Appellant

Versus

Smt. Dr. Seema Gurpal Singh Saluja .. Respondent

**Shri. Swapnil Ambure a/w Shri. Mikhail Dey & Harshwardhan K. i/by
Dinesh Tiwari & Associates for the Applicant/Appellant.**

Ms. Dr. Seema Gurpal Singh Saluja Respondent in person.

CORAM : R.M. SAVANT, J.

DATE : 4th JULY 2016

PC.

1. The above Civil Application has been filed for condonation of delay of 81 days in filing the above Appeal from Order (actual delay is around 85 days). The reasons therefor are mentioned in the Civil Application, and especially in paragraphs 2 and 3 thereof. The Respondent who is appearing in person opposes the application. In my view, having regard to the reasons mentioned in paragraphs 2 and 3, the said reasons can be said to be the plausible reasons for the delay of 81 days occurring

in filing the above Appeal from Order. It is well settled that a party should be given an opportunity to prosecute its remedy on merits rather than being thrown out on technicalities. For the inconvenience caused to the Respondent, the Applicant/Appellant can be saddled with costs. The Civil Application is accordingly allowed. Resultantly, the delay of 81 days in filing the above Appeal from Order stands condoned. The Applicant/Appellant to pay costs of Rs.2000/- to the Respondent within two weeks from date. List the Appeal from Order after three weeks i.e. on 26.07.2016. The Civil Application is accordingly disposed of.

[R.M. SAVANT, J]