

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4145 OF 2016
IN
FIRST APPEAL (STAMP) NO.25875 OF 2016

Shama Khalil Chaugale <i>alias</i> Meera Thakur	 Applicant
V/s.	
Khalil Kamaruddin Chaugale	 Respondent

Mr. Chanchal Choudhary a/w. Mr. Ambrish Choudhary, for the Applicant.

Mr. Chetan Aloji for the Respondent.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 22ND SEPTEMBER 2016.

P.C. :

1. Heard learned counsel for the parties.

2. This application is preferred for condonation of delay of 17 days in preferring First Appeal, challenging impugned Judgment and Order dated 30th April 2016 passed by the District Judge, Thane, in Miscellaneous Application No.114 of 2005.

3. The reason given for condonation of delay is that, against the impugned order passed by the Trial Court, the applicant has initially preferred Writ Petition. Only when the applicant realized that Writ Petition

is not maintainable as there is adequate remedy of preferring First Appeal, the Writ Petition came to be withdrawn and thereafter the applicant has filed this First Appeal. In view thereof, there is a delay, which needs to be condoned.

4. Learned counsel for the respondent fairly concedes that he has no objection to condone the delay. Moreover, the delay has been caused in prosecuting judicial remedy, in the interest of justice, the delay is condoned.

5. Civil Application is allowed in terms of prayer clause (a). Registry is directed to register and number the First Appeal and place it for admission in due course.

6. Civil Application is disposed of.

[DR. SHALINI PHANSALKAR-JOSHI, J.]