

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

**CIVIL APPLICATION NO. 3383 OF 2015
IN
FIRST APPEAL (STM) NO. 15879 OF 2015**

Fatema Constructions & anr.

... Applicants

vs.

Touchwood Co-operative Housing Society Ltd.
& ors.

... Respondents.

Ms. Ferezhte D Sathne i/by Dutt Menon Dunmorresett, Advocate
for the applicants.

Ms. Megha Shigavan i/by Mohit Jadhav, Advocate for respondent
no.1.

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

Date : 25th April, 2016

P.C. :

1. This civil application is for condonation of delay of 60 days in filing the appeal. The applicants state in the civil application that they were advised by their advocate one Mr. Chirag Dave that the period of limitation for filing of appeal was of 90 days. However, it was realized later on that Section 15 (2) of the Bombay City Civil Court Act, 1948 prescribes period of limitation of 30 days in filing the appeal. The applicants have filed affidavit of their advocate in support of the claim made. Ms. Shigavan, the

learned advocate for the respondent opposes the application and submits that this cannot be taken as a sufficient cause for condoning the delay.

2. The civil application and the affidavit of the learned advocate indicate that there was a mistake on the part of the learned advocate as regards the extent of the period of limitation for preferring the appeal against the judgment and decree of the Bombay City Civil Court. This in my opinion is sufficient cause for condonation of delay. The civil application is therefore allowed. The delay is condoned. Office to number the first appeal and place the same for admission in due course.

[Smt. R. P. SondurBaldota, J.]