

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2211 OF 2016
IN
FIRST APPEAL St. NO.27953 OF 2015**

Taramati Narwarlal Mehta

..Applicant

Vs.

Ramesh Devji Bhatti & Anr

..Respondents

Mr. S. J. Chaurasia i/b Ashoka Law Firm for the Applicant

Mr. Sandeep Mahole i/b Mr. M. K. Updhyay for the Respondent No.1

Mrs. M. R. Bhoir for the Respondent No.2

CORAM : R. M. SAVANT, J.

DATE : 26th JULY, 2016

P.C.

1 The above Civil Application has been filed for condonation of delay of 109 days in filing the above First Appeal. The reasons therefor are mentioned in paragraph 6 of the above Civil Application. On behalf of the Respondent No.1 an affidavit in reply has been filed and the reasons mentioned in paragraph 6 are sought to be questioned. In my view, the reasons mentioned in paragraph 6 can be said to be the plausible reasons for the delay of 109 days occurring in filing the above First Appeal. Having regard to the well settled dictum that a party should be given an opportunity to prosecute the proceedings on merits rather than being thrown out on technicalities, the case for exercise of discretion in favour of the Applicant is made out. The Civil Application is accordingly allowed, resultantly the delay of 109 days in filing

the above First Appeal stands condoned. List the First Appeal for admission on 9-8-2016. The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]