

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

**CIVIL APPLICATION NO. 100 OF 2015
IN
FIRST APPEAL (ST.) NO. 28174 OF 2014**

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. Kalpesh Joshi for the applicant.

Mrs. Geeta Joglekar for the respondent/BMC.

CORAM : K. K. TATED, J.

DATED : 05/01/2016

PC.:

. Heard learned Counsel for the parties.

2 This application is preferred by plaintiff for condonation of 52 days delay in filing First Appeal challenging the Judgment and Decree dated 17.07.2014 passed by Bombay City Civil Court at Dindoshi, Borivali Division, Goregaon, Mumbai in L.C. Suit No. 2165 of 2012.

3 The learned Counsel for the Respondent Corporation vehemently opposed the present Civil Application. She submits that applicant has not shown sufficient cause for condonation of delay. There is no substance in the civil application. Hence,

civil application be dismissed with costs.

4 Considering the submissions made by learned counsel for the applicant and averments made in civil application, I am satisfied that applicant has made out the case for allowing the civil application in terms of prayer clause (a). For prayer clause (b) liberty granted to the applicant to prefer an appropriate Civil Application.

5 Hence, following order:

i) Civil Application is allowed in terms of prayer clause (a), which reads thus:

“a) That this Hon'ble Court be pleased to condone the delay of 52 days in filing the present Appeal.”

ii) Liberty granted to the applicant to prefer the appropriate Civil Application for prayer clause (b) and that will be decided on its own merits.

iii) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)