

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

**CIVIL APPLICATION NO. 365 OF 2016
IN
FIRST APPEAL (STM) NO. 28917 OF 2015**

Maharashtra Apex Corporation Ltd.	... Applicant
vs.	
Central Bank of India & ors.	...Respondents

Mr. Sharad Singh a/w Niranjana B. Amin i/by B. Amin & Co.,
Advocate for the applicant.
Mr. V. K. Nair, Advocate for respondent no.1.

Coram : Smt. R. P. SondurBaldota, J.
Date : 15th April, 2016.

P.C.

This civil application is for condonation of delay of 65 days in filing the first appeal. Mr. Nair, the learned advocate states that he has instructions to appear for respondent no.1. He undertakes to file appearance on behalf of respondent no.1 within one week from today. The civil application is served upon respondent no.2. The delay is explained at para 3 of the civil application, wherein it is stated that there was error in consideration of the period of limitation by the learned advocate for the appellant. The learned advocate has filed his affidavit to support the application stating that he considered Article 116 (a) of the Limitation Act for calculation of the period of limitation, which is of 90 days whereas the period of limitation for appeal preferred

from the judgment and decree passed by the Bombay City Civil Court provided for by Section 15(2) of Bombay City Civil Court Act, 1948, which is of 30 days from the date of the decree. In my opinion, the application has made out sufficient cause for condonation of delay. Hence, the civil application is allowed. The delay is condoned. Office to number the first appeal and place the same on board for admission on 6th June, 2016.

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