

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1739 OF 2014
IN
FIRST APPEAL ST NO.29712 OF 2013**

Municipal Corporation of Greater Mumbai

..Applicant

Vs.

Ramlal Ramharak Gupta

..Respondent

Mrs. M. R. Bhoir for the for the Applicant

CORAM : R. M. SAVANT, J.

DATE : 10th JUNE, 2016

P.C.

1 The above Civil Application has been filed seeking condonation of delay of 360 days in filing the above First Appeal. The reasons for the delay are mentioned in the above Civil Application. The sum and substance of the reasons is that on account of administrative reasons that the above First Appeal could not be filed in time. It is stated on behalf of the Applicant that if the delay is not condoned irreparable loss and injury will be caused to the Applicant. It seems that the Respondent has filed affidavit in reply to the above Civil Application and has questioned the reasons mentioned in the above Civil Application. However, none appears for the Respondent when the above Civil Application is called out. In an identical case involving the adjacent structure, this Court (K.K.Tated, J.) in Civil Application No.1736 of 2014 has accepted the reasons mentioned by the Applicant for the said delay of 360 days and by

imposing costs of Rs.2500/- has condoned the delay. The same reasons are mentioned for the delay in the instant case Thereafter in another identical case the delay has been condoned by virtue of the order passed in Civil Application No.1024 of 2013 in First Appeal St No.29680 of 2013.

2 Having regard to the aforesaid precedents, in my view case for condonation of delay has been made out by the Applicant. The Civil Application is accordingly allowed, resultantly the delay of 360 days in filing the above First Appeal stands condoned. The Civil Application is accordingly disposed of.

3 List the First Appeal St Nos.29729 of 2013, 29699 of 2013, 29683 of 2013, 29686 of 2013, 29706 of 2013, 29717 of 2013, 29712 of 2013, 29680 of 2013 & 29722 of 2013 for admission on 8-7-2016.

[R.M.SAVANT, J]