

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

CIVIL APPLICATION NO.2924 OF 2015

IN

FIRST APPEAL STAMP NO.29765 OF 2014

The Board of Trustees of the Port of Mumbai .. Applicant/Appellant

Versus

Relay Shipping Agency Ltd. and another .. Respondents

Mr. A. S. Pal i/by Motiwalla & Co., for the Applicant/Appellant.

None for the Respondent No.1.

Ms. Apurva Mehta i/by V. Subramantan for the Respondent No.2.

CORAM : R.M. SAVANT, J.

DATE : 13th JUNE 2016

PC.

1. The above Civil Application has been filed seeking condonation of delay of 140 days in filing the Appeal. The reasons therefor are mentioned in paragraph 2 of the Civil Application. The sum and substance of the reasons that after the judgment was delivered by the Trial Court, some time was lost in obtaining the opinion of the Counsel and thereafter further time was lost in preparing the draft and getting draft of the Memo of Appeal approved from the Applicant/Appellant. None appears for the Respondent No.1 who is the judgment debtor. The

Learned Counsel appearing for the Respondent No.2 i.e. Defendant No.3 in the suit against whom the suit has been dismissed opposes the Application. However, no affidavit in reply has been filed on behalf of the Respondent No.2. The reasons mentioned in paragraph 2 of the Civil Application can be said to be the administrative reasons on account of which there is a delay in filing the Appeal. Some indulgence would have to be shown to the Applicant/Appellant on account of the fact that it is an Authority established under the Major Ports Trusts Act, 1963, and therefore for arriving at a decision whether to adopt particular proceedings, some time is usefully lost. Hence, the reason mentioned in paragraph 2 can be said to be a plausible reason for the delay of 140 days in filing the Appeal. The Civil Application is accordingly allowed. Resultantly, the delay of 140 days in filing the Appeal stands condoned. The Civil Application is accordingly disposed of.

[R.M. SAVANT, J]