

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

CIVIL APPLICATION NO.305 OF 2016

IN

APPEAL FROM ORDER STAMP NO.31073 OF 2015

Dharmadas M. Kankodia and others

.. Applicants/Appellants

Versus

Kanti Dhullshah Kankodia and others

.. Respondents

Ms. Devki Sahu i/by Mr. A. M. Saraogi for the Applicants/Appellants.

Ms. Neeta Gaikwad for the Respondent Nos.1 to 3.

Mr. Rakesh Singh i/by M. V. Kini & Co. for the Respondent No.4.

Mrs. M. R. Bhoir for the Respondent No.5.

CORAM : R.M. SAVANT, J.

DATE : 5th AUGUST 2016

PC.

1 The above Civil Application has been filed seeking condonation of delay of 40 days in filing the above Appeal from Order. The reasons therefor are mentioned in paragraph 2 of the Civil Application. The Applicants are the original Plaintiffs who have filed the suit in question. In the said suit, the Plaintiffs filed the Notice of Motion seeking an injunction for restraining the Respondent No.4 from granting electricity connection to the Respondent Nos.1 to 3 herein who are the original Defendant Nos.1 to 3. The said Notice of Motion filed by the

Applicants/Plaintiffs has been rejected by the Learned Judge of the City Civil Court by the impugned order. It seems that the Respondent No.4, BEST is ready to grant the said electricity connection to the Respondent Nos.1 to 3. However, the Applicants are putting impediments in the same. The Learned Counsel appearing on behalf of the Respondent Nos.1 to 3 and Respondent No.4 in so far as the application for condonation of delay is concern opposes the application, but ultimately submit to the orders of this Court. The Civil Application is accordingly allowed. Resultantly, the delay of 40 days in filing the above Appeal from Order stands condoned. In the facts and circumstances of the case, the Applicants to pay costs of Rs.1000/- to the Respondent Nos.1 to 3 and Rs.1000/- to the Respondent No.4 within two weeks from date. The Appeal from Order to be listed for admission after three weeks. Evidence of the payment of costs to be placed on record. The Civil Application is disposed of.

[R.M. SAVANT, J]