

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

CIVIL APPLICATION NO.2039/2015
IN
FIRST APPEAL (ST) NO. 11297/2014

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. Dorman Dalal i/b. S. B. Deshmukh for the Applicant
Ms. Sneha Sonawane i/b. Chacko Joseph for the Respondent

CORAM : K. K. TATED, J.
DATE : JANUARY 20, 2016

P.C.:

1. Heard. This Application is made by Defendant for condonation of 19 days delay in preferring the appeal challenging the judgment and decree dated 13/02/2014 passed by the Bombay City Civil Court, Mumbai in Suit No.3390/2008 (H.C.Suit No.604/2008).

2. The learned counsel for the Applicant submits that the Applicant was under impression that the limitation period is 90 days to prefer an appeal, whereas, in fact, it is 30. Hence, the delay may be condoned and matter be decided on merits.

3. On the other hand, the learned counsel for the Respondent filed Affidavit-in-Reply dated 18/01/2016 to oppose the Civil Application. The learned counsel for the Respondent submits that the Applicant has not shown sufficient cause for condonation of delay. Hence, there is no substance in the Civil Application. Same be dismissed with costs.

4. Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

5. Hence, the following order:

a) Civil Application is allowed in terms of prayer clause (A) which read thus:

(A) That this Hon'ble Court may be pleased to condone the delay of 19 days in filing the First Appeal (ST) No.11297/2014.

b) Civil application stands disposed off accordingly.

JUDGE