

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

**CIVIL APPLICATION NO. 75 OF 2016
IN
CIVIL REVISION APPLICATION (ST) NO. 33932 OF 2015**

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. Ramesh Mishra for the Applicant.

Ms. Sinal Gogani i/b Negandhi Shah Himayatullah for the Respondent nos. 1 & 2.

CORAM : K. K. TATED, J.

DATED : 14/06/2016

P.C.:

. Heard learned Counsel for the parties.

2 Adv. Sinal Gogani states that she received instructions to appear on behalf of respondents. She undertakes to file vakalatnama within one week from today. Undertaking is accepted.

3 This application is preferred by plaintiff for condonation of 1 year and 10 days in filing Civil Revision Application challenging the order dated 01.08.2014 passed by Bombay City Civil Court, Mumbai in Notice of Motion No. 1052 of 2014 in Suit No. 2396 of 2013.

4 The learned counsel for the applicant submits that initially they filed Appeal from Order No. 1029 of 2014 on 12.09.2014. He submits that Appeal

from Order was withdrawn with liberty to file the Civil Revision Application. Same was allowed by this court by order dated 30.11.2015. Thereafter, immediately, they filed present Civil Revision Application on 04.12.2015.

5 The learned counsel for the applicant submits that there is delay on the part of applicant to file present Civil Application, because initially they filed Appeal from Order and thereafter, same was withdrawn as not maintainable. He submits that considering this fact, this Hon'ble Court be pleased to condone the delay in filing Civil Revision Application. He submits that if delay is not condoned, irreparable loss and injury will be caused to the applicant.

6 On the other hand, the learned counsel for the Respondents vehemently opposed the present Civil Application. She submits that applicant has not stated on what basis they filed the Appeal from Order initially challenging the impugned order dated 01.08.2014. Hence, there is no question of entertaining the present Civil Application for condonation of delay.

7 I heard both the sides at length. It is to be noted that initially the applicant filed Appeal from Order and same was withdrawn by them with liberty to file Civil Revision Application on 30.11.2015.

Thereafter, the present applicant filed Civil Revision Application within six days.

8 Considering this fact, I am of the opinion that applicant has made out case for allowing the Civil Application.

9 Hence, following order is passed:

a) Civil Application is allowed in terms of prayer clause (a), which reads thus:

“a) That this Hon'ble Court be pleased to condone 1 year 10 days in filing the present Civil Revision Application in the interest of justice.”

b) Civil application stands disposed off accordingly.

(K.K.TATED, J.)