

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

**CIVIL APPLICATION NO.1055 OF 2015
IN
FIRST APPEAL (ST) NO.34266 OF 2014
WITH
CIVIL APPLICATION NO.1056 OF 2015**

M/s Span Associates	..Applicant
V e r s u s	
J.S. Tower Co.Op. Hsg. Society Ltd	.. Respondent

Mr. Devendra Sharma for the Applicant.

CORAM : K.K. TATED, J.

DATE : 18 FEBRUARY 2016.

P.C. :

1 Heard Mr Sharma, the learned Counsel appearing for the Applicant. None for the respondent though duly served.

2 Office note show that Civil Application is ready for hearing. This application is preferred by the applicant/defendant for condonation of delay of 17 days in filing the First Appeal challenging the judgment and decree dated 31 October 2014 passed by the Bombay City Civil Court at Dondoshi, Mumbai in S.C. Suit No.2886 of 2012, directing the applicant to execute the conveyance of the suit property in respect of the respondent/plaintiff as per Section 11 of the Maharashtra Ownership Flats Act (MOFA in short).

3 Considering the submissions made by the learned Counsel for the Applicant and the averments made in the Civil Application, I am satisfied that the Applicant has made out a case for allowing this Civil Application, in terms of prayer clause-(a), which reads thus :

“(a) that in the interest of justice, the delay of 17 days in filing of the Appeal may be condoned. The Appeal may be taken on file and be heard and decided on its own merits.”

4 Civil Application is disposed of accordingly.

(K.K. TATED, J.)