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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1325 OF 2016
IN
APPEAL FROM ORDER (STAMP) NO.33723 OF 2016

M/s.Royal Distillery Pvt. Ltd.	...Applicant
V/s.	
Smt.Somaibai Maugi Bica	...Respondent

Mr.F. D'vitre, Senior Counsel with Mr.Nilesh Modi, Mr.Yogesh Rajwani and Mr.Utsav Ghosh i/b Rustamji Ginwala for the Applicant.

None for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 21ST DECEMBER, 2016.

P.C. :-

1. Mr.D'vitre, learned senior counsel appearing for the applicant states that the respondent has been served. None appeared for the respondent when the matter was called out.
2. By this application, the applicant seeks condonation of delay of 25 days in filing the appeal from order.
3. The impugned order was passed on 10th August, 2016. The applicant has challenged the said impugned order by filing writ petition on 10th October, 2016. The said writ petition was pending in this court. On 2nd December, 2016, this Court passed an order

granting liberty to the applicant to file appeal from order in view of the learned District Judge remanding the suit for disposal afresh. The applicant has thus filed this appeal from order.

4. In my view, the time taken in pursuing the matter in good faith and with due diligence under section 14 of the Limitation Act, 1963 has to be excluded.

5. In my view, there is thus no delay in filing the appeal from order. The civil application is accordingly disposed of in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)