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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.572 OF 2015 IN
APPEAL NO. 70 OF 2016

Klen & Marshalls Manufacturers
& Exporters Ltd. ...Applicant
vs.
Bank of Tokyo-Mitsubishi Limited ...Respondent

Mr.Akshay Shinde for the applicant
Ms Sowmya Srikrishna a/w Ms Bhagyashree Lembhe i/b
Cyril Amarchand Mangaldas for the respondent

CORAM : A.S.OKA, &
A.A.SAYED,JJ.
DATE : JUNE 24, 2016

P.C.:

1 Heard the learned counsel for the applicant and the learned counsel for the respondent. The prayer for condonation of delay in preferring an appeal is opposed by the learned counsel for the respondent. However, the submissions of the learned counsel for the respondent are on merits of the appeal. After having perused the assertions made in the affidavit in support and in particular paragraphs 6 and 7, we find that sufficient cause is made out. However, considering the facts of the case, the applicant will have to pay costs quantified at Rs.25,000/-.

2 Accordingly, the Notice of Motion is made absolute in terms of prayer clause (a). The

applicant shall pay cost of Rs.25,000/- to the respondent within a period of four weeks from today. Payment of costs will be a condition precedent.

(A.A.SAYED,J.)

(A.S.OKA,J.)