

nsc.

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

***NOTICE OF MOTION NO.627 OF 2015
IN
APPEAL (LODGING) NO.331 OF 2015
IN
SUIT NO.3885 OF 1990***

Mahanagar Telephone Nigam Limited and Anr. ...Applicants

IN THE MATTER BETWEEN

Mahanagar Telephone Nigam Limited and Anr. ...Appellants
Versus

Shipping Corporation of India Limited and Anr. ...Respondents

Ms.Pooja Kshirsagar a/w Mr.H.J.Engineer i/b Gordhandas & Fozdar, for
the Applicants/Appellants

Mr.Rahul Narichania a/w Mr.Shashank Trivedi and Smriti Jha i/b Mulla &
Mulla & Craigie Blunt & Caroe, for the Respondent No.1.

***CORAM : V. M. KANADE &
REVATI MOHITE DERE, JJ.***

DATE : 5th JANUARY, 2016

P.C. :

1. Heard the learned counsel appearing for the
applicants/appellants and the learned counsel appearing on behalf of the
respondent no.1.

2. For the reasons stated in paragraph 4 of the affidavit in support, in our view sufficient cause is made out for condonation of delay.

3. The application for condonation of delay is vehemently opposed by the learned counsel appearing on behalf of the respondent no.1. Reliance is placed on the Judgment of the Apex Court in the case of ***DSR Steel Private Limited v/s State of Rajasthan and Others, reported in (2012) 6 SCC 782***. It is submitted that even at the stage of admission an appeal if there is no merit, can be dismissed.

4. In our view taking into consideration the reasons stated in the affidavit in support of the notice of motion, this is a fit case where delay caused should be condoned. Hence, motion is allowed. Delay is condoned.

5. Place the Appeal on the admission board on 19th January, 2016.

REVATI MOHITE DERE, J.

V.M. KANADE, J.