

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

**CIVIL APPLICATION NO. 74 OF 2017
IN
APPEAL FROM ORDER (ST.) NO. 22885 OF 2016**

Girja Subramaniam ... Applicant
V/s.
M/s. Annapi Construction Co. & Ors. ... Respondents

Mr. Aseem i/b M/s. M.P. Rege & Co. for the Applicant.
Mr. R.M. Pande for Respondent Nos.4 and 5.

**CORAM : M.S. SONAK, J.
DATE : 29th MARCH, 2017.**

P.C. :

1 Heard Mr. Aseem for the appellant and Mr. R.M. Pande
for respondent Nos.4 and 5.

2 Mr. Aseem the learned counsel for the applicant states
that the remaining respondents are served and even an affidavit of
service has been filed. There is delay of 47 days in instituting the
Appeal. The reason for the delay has been set out in paragraph 4 of
the Civil Application. Mr. Pande, the learned counsel for respondent
Nos.4 and 5 however, submits that the delay is infact of 60 days and
not 47 days. He also points out that the cost shown in paragraph 4
of the Civil Application is not sufficient cost. He points out that no

details as regards the illness of the 83 years old mother are stated. He also points out that no details as to when 83 years the mother expired have been set out. On this ground, he submits that application for condonation of delay is required to be dismissed.

3 I am unable to agree with the submission of Mr. Pande. In this case, even assuming a delay of 60 days, there is sufficient cause shown. The applicant has stated that there was some difficulty in obtaining the certified copy. The applicant has also stated that her mother was 83 years of age and she was required to take care of her mother. Further, it is nowhere stated that the mother has expired and, therefore, the submission to that effect, is quite unfortunate. All that is stated is that the applicant is required to go to her native place in Kerala for certain religious rituals. Considering the quantum of delay and explanation offered there is sufficient cause for condonation of delay.

4 Civil Application is accordingly allowed. In the facts and circumstances of the present case, there shall be no order as to costs.

(M.S. SONAK, J.)