

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 52 OF 2017**

Veronica Vasant Patel	...Applicant
<i>Versus</i>	
Benita Anthony Fernandes & Ors	...Respondents

**Mr Ranjit Thorat, Senior Advocate, i/b Aditi S Naikare, for the
Applicant.**

**CORAM: G.S. PATEL, J
DATED: 21st November 2017**

PC:-

1. An Affidavit of service is filed. None appears for the Respondents.

2. Heard. **Rule.** The Respondents having been served, service of the Rule is dispensed with. Rule returnable forthwith.

3. The Civil Revision Application is directed against an order of 8th December 2016 of the Appellate Bench of the Court of Small Causes declining to condone a delay of a mere 146 days in the filing of the Petitioner's Appeal. The facts of the case are such that the application ought to have been allowed. The delay is not so much or so excessive as to warrant a disposal in this fashion. The Applicant clearly

stated that there was inadvertence on her part. At best she might have been put to terms.

4. The order of 8th December 2016 cannot be sustained.

5. The application succeeds. The impugned order is set aside. The delay is condoned. The Applicants Appeal is restored to file and will be numbered by the Registry. Parties will appear before the Appellate Court on 8th December 2017 with an authenticated copy of this order.

6. Having regard to the facts of the case and particularly the fact that the Applicant *prima facie* appears to have been in occupation of the premises for a very long time as an authorised subtenant, I would request the Appellate Bench to dispose of the Appeal at its earliest convenience and preferably before 31st March 2018.

(G. S. PATEL, J.)