

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3940 OF 2017**

Mr. Prakash C. Sheth	..Petitioner
Vs	
Mr. Pratik C. Shah	..Respondent

Mr. Prakash C. Sheth, Petitioner in person.

**CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.
DATE : JULY 3, 2017.**

P.C. :

. By filing this petition under Articles 226 and 227 of the Constitution of India, the petitioner has challenged the order dated 6th December 2016 passed by the City Civil Court, Greater Bombay in Chamber Summons No. 1063 of 2016 filed in Summary Suit No. 447 of 2016.

2] By filing the said Chamber Summons, the respondent-defendant sought condonation of delay in allowing him to file appearance. The delay was of 30 days.

3] The Trial Court, after examining the reasons assigned in the Chamber Summons seeking condonation of delay, has recorded a

finding that as the respondent-defendant was having health problem, he could not file his appearance within time as such delay was caused.

3] Having gone through the impugned order, we find that the learned Trial Judge has elaborately dealt with the reasons assigned for condonation of delay. Keeping in view the same, we are of the view that no case is made out to interfere with the said order by which the delay of 30 days has been condoned.

4] The contention of the petitioner that the delay has not been explained and in absence of explanation for condonation of delay, learned Trial Judge has committed error and is misconceived as we find that the delay was duly explained and the same has been found to be satisfactorily explained by the learned Trial Judge.

5] Therefore, no case for interference is made out. The writ petition fails and is hereby dismissed.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)