

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

**FIRST APPEAL (ST.) NO. 8663 OF 2017
WITH
CIVIL APPLICATION NO. 2667 OF 2017
IN
FIRST APPEAL (ST.) NO. 8663 OF 2017**

Arya Omnitalk Wireless Solutions Pvt. Ltd. ...Applicant/
Appellant

Versus

Brihan Mumbai Municipal Corporation ..Respondent

WITH

**FIRST APPEAL (ST.) NO. 8663 OF 2017
WITH
CIVIL APPLICATION NO. 2668 OF 2017
IN
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Arya Omnitalk Wireless Solutions Pvt. Ltd. ...Applicant/
Appellant

Versus

Brihan Mumbai Municipal Corporation ..Respondent

.....

Mr.Sandesh Shukla a/w. Mr.Amit Singh for the Applicant.
Mrs. M.R.Bhoir for the Respondent.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: SEPTEMBER 07, 2017**

P.C. :

CIVIL APPLICATION NO. 2667 OF 2017

1. This appeal is directed against the order dated 22.11.2016 passed by the learned Ad-hoc Judge, City Civil Court, Mumbai, in Long Cause Suit No. 3462 of 2012.
2. Learned counsel for the applicant submits that there is a delay of 35 days in filing the appeal, which is not deliberate, but the applicant was traveling and was not available to contact his Counsel.
3. Learned counsel for the respondent- Municipal Corporation has opposed this application.
4. In view of the submission of the learned counsel for the applicant and the reasons mentioned in paragraph nos. 5 and 6 of the Civil Application, the delay of 35 days is condoned.
5. First Appeal be registered. Place the First Appeal for admission on 11.10.2017.

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6. By this Civil Application, the learned counsel for the applicant seeks stay to the operation and execution of the judgment and order dated 22.11.2016 passed by the learned Ad-hoc Judge, City Civil Court, Greater Mumbai, in Long Cause Suit No. 3462 of 2012.

7. The Suit was filed for recovery of money and it was dismissed only on the ground of limitation. Under such circumstances, there is no question of giving stay to the judgment and order dated 22.11.2016 passed by the learned Ad-hoc Judge, City Civil Court, Mumbai. Hence, this Civil Application is disposed of.

(MRIDULA BHATKAR, J.)