

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 648 OF 2017
IN
APPEAL FROM ORDER (ST.) NO. 11144 OF 2017

Brooklyn Hills Coop. Housing Scty. Ltd. ... Applicant
Vs.
Beverly Hills and Royal Empire Co-op.
Housing society Ltd. & Ors. ... Respondents

Mr. Bharat Joshi, Advocate for the applicant.
Mr. Ramanand R. Sharma, Advocate for respondent no. 1.
Mr. Satyadev D. Joshi i/b. Mr. Devendra Singh, Advocate for
respondent no. 2.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 17th November, 2017.

P.C.:

Upon mentioning, taken on production board.

2. This Application is moved for condonation of delay of 127 days in filing the Appeal. The order of rejection of interim relief dated 8th November, 2016 is under challenge.

3. The learned counsel for the applicant submitted that plaintiff no. 2/Golden Heights Cooperative Housing Society could not take decision in respect of filing of this appeal and time was sought to take decision, therefore, the appellant/plaintiff no. 1 has to join plaintiff no.

2 as respondent no. 3 in the present Appeal, hence delay is caused.

4. The learned counsel for the contesting respondent no. 1 opposed this Application. He submitted that though the order was passed on 8th November, 2016, the application for certified copy was made on 30th November, 2016. The copies were supplied on 2nd December, 2016. The Appeal was not filed immediately but it was filed much later on 22nd April, 2017 and the Appeal is not properly explained.

5. Considering the submissions of learned counsel for both the sides, I am of the view that the reasons given for delay is a sufficient cause, hence delay of 127 days is hereby condoned.

6. Appeal be registered. Place the Appeal for admission on 12th January, 2018.

7. Civil Application is allowed and is disposed of accordingly.

(MRIDULA BHATKAR, J.)