

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1710/2017
IN
SECOND APPEAL (ST) NO.15631/2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. Jyotsna N. Pandhi for the applicant
Mr. Rahul D. Motkari for the respondent

CORAM : K. K. TATED, J.
DATE : DECEMBER 12, 2017

P.C.:

1. Heard. This Application is for condonation of 361 days delay in preferring the Second Appeal.

2. The learned counsel for the Applicant submits that on behalf of the Government they have to take permission from several Departments, therefore there is delay in preferring the Second Appeal. She submits that this Hon'ble Court be pleased to condone the delay. She submits that they have good chance of success in the matter.

3. On the other hand, the learned counsel for the Respondent vehemently opposed the Civil Application. He submits that the Applicant has

failed to disclose sufficient cause for condonation of delay. There is no substance in the Civil Application. Same shall be dismissed with costs.

4. Considering the submissions made by the learned counsel for the Applicant and the averments made in para 2 of the Civil Application I am satisfied that the Applicant has made out a case for allowing the Civil Application. At the same time, the Applicant has to pay cost of Rs.5000/- to the Respondent.

5. Hence, following order is passed.

a. Delay in preferring the Second Appeal is condoned.

b. The Applicant shall pay cost of Rs.5000/- to the Respondent or their advocate directly or deposit in the Registry of this court on or before 12.01.2018 failing which the Civil Application shall stand dismissed without further reference to the court.

c. If amount is deposited in the Registry, the Respondent is entitled to withdraw the same unconditionally.

d. Civil Application stands disposed of accordingly.

e. Office is directed to place the Second Appeal on board on 18.01.2018 for admission subject to payment of cost to the Respondent.

JUDGE