

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

CIVIL APPLICATION NO.2626 OF 2017
IN
FIRST APPEAL NO. 534 OF 2015
WITH
CIVIL APPLICATION NO. 2842 OF 2017
IN
FIRST APPEAL NO. 534 OF 2015

The Union of India & ors. ... Applicants

V/s.

M/s. Gagret Woollen Mills Pvt. Ltd. ... Respondents

Mr. Vaibhav Karnik for the applicants.
Mr. J.B. Mishra for respondents.

**CORAM : NARESH H. PATIL AND
Z.A. HAQ, JJ.**

27th September, 2017.

P.C.

The applicant in this application prays for condonation of delay in filing the appeal.

2. We have perused the record placed before us and the order passed by Division Bench of this Court (Coram: Abhay S. Oka & Dr.

Shalini Phansalkar Joshi, JJ) on 6th April, 2015 admitting the First Appeal. The appellant Union of India is aggrieved by the judgment and order passed by the Bombay City Civil Court for Greater Bombay dated 14th February, 2014 wherein directions were issued to defendants-appellant herein to pay an amount of Rs.4,67,867/- with simple interest thereon at the rate of 10% per annum to the plaintiff.

3. Learned Counsel for the applicant submits that today itself private paper-book would be submitted in the Registry.

4. As per the judgment and order passed by the trial Court, the original plaintiffs-respondents herein have already received an amount of Rs. 13 lacs from the original defendants. In the facts of the case, we find that delay deserves to be condoned. The application is allowed. The delay is condoned subject to appellant submitting the paper-book with the Registry of this Court within one week. The First Appeal is restored to file.

5. The Civil Application No.2626/17 is filed by the applicants for release of Bank Guarantee No. FINBG2015/9 for the sum of Rs.13,35,000/- dated 31st December, 2015.

6. We find that applicant is entitled to present the case before Registrar (Judicial) and in case Bank Guarantee period has expired, the respondent-original plaintiff shall submit a fresh Bank Guarantee, until further orders.

7. Both the Civil Applications are disposed of accordingly.

(Z.A. HAQ, J)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.