

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

**CIVIL APPLICATION NO.1487 OF 2015
IN
APPEAL FROM ORDER (ST) NO.18245 OF 2015**

Mrs.Mehrunnisha Shaikh & Anr. ..Applicants/Appellants

V/s.

Mr.Ramesh Ramjani Sharma & Anr. ..Respondents

Mr.Pravin Dhanawade i/by D. Saroj for the Applicants/Appellants.

None present for the Respondent.

CORAM : M. S. SONAK, J.

DATE : 08 MARCH 2017.

P.C.

1. This Civil Application, seeks condonation of delay of 459 days is applied for.

2. In paragraph No.9, there is a statement made that this appeal is filed within the period of limitation. However, in paragraph No.12.10, the following statement appears:-

“12.10 I say and submit that the on account of genuine and bonafide reasons, there is delay of 459 days, which I pray the same be condone in the interest of justice, equity and goods conscience. No harm and injury will be caused to the Plaintiff if the delay is condone. On

the contract greater hardship will be caused to the Defendant, if the delay is not condoned by the Hon'ble Court.

In light of what has been stated hereinabove the Plaintiff states that no prejudice would be caused if the delay is condoned and the written statement is taken on record.”

3. Apart from the aforesaid statement, there is no other explanation for the delay of 459 days in instituting the appeal. The aforesaid statement also does not constitute any explanation for the delay. Since, no sufficient cause is made out, the Civil Application seeking condonation of delay is dismissed. Consequently, the appeal does not survive and the same is also disposed of.

(M. S. SONAK, J.)