

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 1216 OF 2015
IN
APPEAL FROM ORDER (ST.) No. 19699 OF 2015

Dattaram Babaji Parab ... Applicant
Vs.
Maharashtra Housing & Area Development
Authority & Ors. ... Respondents

Mr. R.V. Govilkar a/w. Mr. Mihir R. Govilkar, Advocate for the
applicant.

Ms. Swapna Roopavate a/w. Flora Jain i/b. Tushar A. Goradia,
Advocate for respondent no. 4.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 18th September, 2017.

P.C.:

As per the office note, the learned counsel for respondent nos.

1 to 4 are served.

2. This Application is moved for condonation of delay of 327 days
in filing the Appeal from Order.

3. The learned counsel for the applicant submitted that the Notice
of Motion No. 2009 of 2013 was dismissed on 22nd July, 2014 due to
certain observation in demanding the proof of the documents in
respect of room no. 12. The applicant did not challenge the order of
dismissal of Notice of Motion, however, in the last week of June

2015, he came across some documents and felt that those documents are relevant to establish his claim *prima facie* in respect of room no. 12. Hence, there is delay.

4. The learned counsel for the respondents opposed this Application for condonation of delay on the ground that no sufficient ground is made out.

5. Heard the submissions. Read the Application for condonation of delay. For the reasons mentioned in paragraphs 7 to 11 of the Application, delay of 327 days is hereby condoned.

6. Civil Application is allowed.

7. Appeal be numbered.

8. Place the Appeal from Order for admission on 3rd November, 2017. Pending this Appeal from Order shall not come in the way for the trial Court to proceed with the matter. The trial Court may proceed with the matter.

(MRIDULA BHATKAR, J.)