

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

**CIVIL APPLICATION NO. 292 OF 2017  
IN  
CIVIL REVISION APPLICATION (ST) NO. 19872 OF 2017**

Mr. Nirmalkumar Dattussa Gangji,  
Proprietor Of Hindmata Cloth Emporium ...Applicant

*Versus*

Mr. Gafarkha Hamidkha Pathan And Anr. ...Respondents

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Mr.Surel Sunil Shah for the Applicant.

None present for the Respondents.

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**CORAM : M. S. SONAK, J.**

**DATE : 01<sup>st</sup> SEPTEMBER 2017**

P.C.

1. Not on board. Upon production, taken on board.
2. Mr.Shah, the learned counsel for the applicant makes a statement that notice of this Civil Application has already been served upon the respondents. He also produces on record a covering letter which bears the endorsement of receipt from the respondent No.1.
3. Heard Mr.Shah. Perused the reasons set out in

paragraph No.13 of the Civil Application. Therein, it is stated that the Civil Revision Application could not be filed in time as the papers were entrusted to the filing clerk and the filing clerk had to undergo to angioplasty and advised bed rest. He states that the advocates were under the *bona fide* impression that the filing clerk had done the needful and the Civil Revision Application has also been instituted. The explanation offered does not smake of any malafide and in the facts and circumstances of the present case constitutes sufficient cause.

4. In the matter of this nature, it is not the quantum of delay that is always significant. The quality of explanation is what matters. Accordingly, the delay in institution of the Civil Revision Application is condoned. The Civil Application is disposed of.

**(M. S. SONAK, J.)**