

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

**CIVIL APPLICATION NO.307 OF 2017
IN
SECOND APPEAL (ST) NO.21276 OF 2016**

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.Jaymala Ostwal i/b M/s.JJ Associates for the applicant

Mr.Rahul S. Kadam for the respondent nos.1 and 4

**CORAM : K. K. TATED, J.
DATE : DECEMBER 21, 2017**

P.C.:

1. Heard.
2. Registry shows that other Respondents are duly served. In spite of that, no one appeared on behalf of them.
3. This Application is preferred by defendant no.1 for condonation of 55 days delay in filing Second Appeal.
4. The learned counsel for the Applicant submits that it remained on the part of Applicant to contact their advocate immediately with all the papers. She submits that first time when the Applicant contacted present advocate she directed

them to bring entire record and proceedings of the Suit and Civil Appeal. Hence, there was delay on their part to file the present Second Appeal. She submits that Applicant has good chance of success in the Second Appeal. She submits that in the interest of Justice, this Hon'ble Court be pleased to condone the delay. She submits that if delay is not condoned, irreparable loss will be caused to the Applicant.

5. On the other hand the learned counsel for the Respondent nos.1 and 4 vehemently opposed the present Civil Application. He submits that Applicant has not shown sufficient cause for condonation of delay. Hence, there is no substance in the present Civil Application and same is required to be dismissed with costs.

6. I have heard both the sides at length. It is to be noted that there is delay on the part of Applicant to file present Second Appeal within time on the ground of collection of all the papers from the advocate who appeared in Trial Court. Considering these facts and the reason disclosed by the Applicant in Civil Application, I am satisfied that Applicant has made out a case for allowing this Civil Application. Hence, following order is passed:

a) Delay in preferring Second Appeal is

condoned.

b) Civil application stands disposed off accordingly.

(K.K.TATED, J.)