

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (ST.) No. 22886 OF 2017
IN
APPEAL FROM ORDER (ST.) No. 21166 OF 2017

Wallace Flour Mill Company Pvt. Ltd. ... Applicant
Vs.
Ashwin Kumar Lulla & Ors. ... Respondents

Mr. Shardul Singh a/w. Preet Chheda i/b. DSK Legal, Advocate for the applicant.

Mrs. Madhuri More, Advocate for respondent No. 3/Corporation.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 15th September, 2017.

P.C.:

The affidavit of service on respondent nos. 1 and 2/original plaintiffs is filed, which is taken on record and marked as Exhibit 1. The learned counsel for the applicant submitted that respondent nos. 1 and 2 have refused the service for second time.

2. This Application is moved for condonation of 220 days in filing the Appeal from Order.

3. The learned counsel for the applicant submitted that there is a delay of 220 days to file Appeal. He submitted that the trial Court disposed of Notice of Motion No. 410 of 2018, which is subject

matter of this Appeal and though ad-interim relief granted on 7th February, 2015 was continued on 18th November, 2016 till the final disposal of the suit, the reasoned order was not passed and the applicant was waiting for the same. Hence, there is delay.

4. The learned counsel for the Corporation submits to the order passed by this Court.

5. Though respondent nos. 1 and 2 were served, none present for them. For the reasons mentioned in the Application, delay is condoned.

6. Civil Application is allowed and is accordingly disposed of.

7. Appeal from Order be numbered.

8. Court notice is awaited. Hence, the matter is fixed on 25th September, 2017. It is to be noted that Appeal from Order will be heard finally on 25th September, 2017, as short issue is involved.

(MRS.MRIDULA BHATKAR, J.)