

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

**CIVIL APPLICATION NO. 92 OF 2016
IN
FIRST APPEAL (ST.) NO. 27804 OF 2015**

Jai Chitrakoot Co-operative Housing
Society Ltd. & Ors.

...Applicant

Versus

Goyal Builders Pvt. Ltd. & Anr.

...Respondents

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Mr.Rahul Karnik for the Applicants.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATE : DECEMBER 13, 2017**

P.C.:

1. Pursuant to the order dated 13th September, 2017 passed by this Court, the applicants/ original appellants were directed to re-serve respondent no.1.

2. Learned counsel for the applicants has filed the affidavit of service. He has submitted that the applicants have filed the Suit under MOFA and it was partly decreed by the order dated 21st July, 2012. He has further submitted that after the judgment and order was passed by the trial Court, the applicants/society members were

busy in the repairs of the building and thereafter, the elections were taken place and therefore, it took time to take decision to file the Appeal. He has further submitted that the delay is not intentional.

3. In view of the reasons mentioned in the Civil Application and due to uncontroverted submissions, delay in filing the Appeal is hereby condoned, subject to payment of costs of Rs. 5,000/-. The said amount is to be deposited in Manodhairya Assistant Account (MAA), Maharashtra Legal Services Authority, High Court, Bombay within a period of six weeks from today.

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

(MRIDULA BHATKAR, J.)