

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION ST.NO.30290 OF 2017
IN
FIRST APPEAL st. NO.30283 OF 2017

Babulal Jain & Ors. ... Applicants
Vs.
Pawan Bacharaj Chandan & anr. ... Respondents

Dr.Birendra Saraf with Ms.Pooja Kshirsagar i/b Sheetal Mehta for the Applicants
Mr.Sanjeev Sawant for Respondent No.1
Mrs.M.R. Bhoir for Respondent No.2 – Corporation

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: DECEMBER 5, 2017

P.C.:

1. This Civil Application is filed for condonation of delay of 89 days in filing the First Appeal against the judgment and order dated 19.6.2017 passed by the City Civil Court in Suit No.2683 of 2011.
2. Learned Counsel for Respondent No.1 as also for respondent No.2 are present.
3. Mr.Saraf for the applicants submits that the applicants believed that respondent No.1 / original plaintiff, was prosecuting the matter in respect of earlier notices of demolition. However, they had

knowledge of the dismissal of the suit only in the month of October, 2017 when the notices issued by the respondent Corporation were received by the respective applicants. Thereafter, the applicants took steps in collecting the documents and engage the Counsel and therefore, there is a delay of 89 days.

4. Learned Counsel for the respondent Corporation opposed the application and has submitted that the statement of the applicants that they became aware of the judgment of dismissal of the suit in October, 2017, is false because the applicants were in fact prosecuting the matter through the plaintiff.

5. In view of the submissions of the learned Counsel for the parties and for the reasons stated in the application, the delay of 89 days is condoned. Appeal be registered and listed for admission on 30.1.2018. Interim relief, if any, to continue till then.

6. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)