

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (St.) No. 31925 OF 2016
WITH
CIVIL APPLICATION No. 36 OF 2017
IN
APPEAL FROM ORDER (St.) No. 31925 OF 2016

Shilpa Offset Pvt. Ltd. ... Appellant/Applicant
Vs.
Shelter Makers (India) Pvt. Ltd. ... Respondent

Mr. N.R. Bubna a/w. Sharmili A. Mhatre i/b. R.N. Shetty, Advocate for
the appellant/applicant.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 11th September, 2017.

P.C.:

The learned counsel for the appellant submitted that the respondent/defendant is neither appearing before the trial Court nor appearing in this Court. He files affidavit of service on the respondent. The learned counsel submitted that in this Appeal from Order, the appellant/flat purchaser is challenging the ad-interim order dated 23rd September, 2016 refusing the prayer for appointment of Court Receiver. The learned further submitted that there is a delay of 22 days in filing the Appeal from Order and hence, the same be condoned.

2. The affidavit of service is taken on record and marked as

Exhibit 1. In view of the averments in the Application, delay of 22 days in filing the Appeal is condoned. Civil Application is allowed.

3. The order was passed by the trial Court on 23rd September, 2016. The learned counsel for the appellant submitted that the Notice of Motion is still pending.

4. Considering the time gap of more than one year, I direct the trial Court to decide the Notice of Motion finally till 3rd November, 2017.

5. Appeal from Order is disposed of.

(MRIDULA BHATKAR, J.)