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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1410 OF 2017
IN
CUSTOMS APPEAL (L) NO. 2 OF 2017**

M/s. Pams Industries

... Applicant

vs.

The Commissioner of Customs
(Appeals), Mumbai, Zone I

... Respondent

.....

Mr. Nikhil Wable a/w. Ms. Rubina Dedhia i/b. Jayakar & Partners for the
Applicant.

None for the Respondent

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CORAM : A.S. OKA & A.K. MENON, JJ.

DATE : 5th DECEMBER, 2017**P. C.**

1. Heard learned Counsel appearing for the applicant. Affidavit of service of this Notice of Motion is filed on record along with the acknowledgement signed by the respondent.

2. Perused the affidavit in support of the Notice of Motion and additional affidavit of the applicant filed today. Notice of Motion is for condonation of delay of 653 days in preferring an appeal. The additional affidavit brings on record photocopy of PAN Card, Aadhar Card and passport of Shri Ramesh P. Badiani, a partner of the applicant which discloses that he is born on

12th August, 1940. These documents have been placed on record as the first line of affidavit in support discloses his age as 50 years.

3. Perusal of the affidavit in support reveals that the said partner of the applicant is under treatment for cancer. A medical certificate dated 12th January, 2017 has been annexed to the affidavit in support. His age is 77 years. There is no reply filed to the Notice of Motion controverting the case made out in the affidavit in support. In view of the statements made in the affidavit in support and additional affidavit, sufficient cause is made out for condonation of delay. As respondent has not caused appearance, we are not imposing any costs. Accordingly, Notice of Motion is made absolute in terms of prayer clause (a).

(A.K. MENON, J.)

(A.S. OKA, J.)