

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO.1432 OF 2017
IN
APPEAL LODING (L) NO.342 OF 2017**

**New Purshottam Nagar Co-op. Hsg.
Society Ltd. : Applicant**

In the matter between

**New Purshottam Nagar Co-op Hsg.
Society Ltd. : Appellant.**

**Versus
Jayesh Bhagwanji Mistry and ors. : Respondents.**

**Mr. Niranjan Vaghela i/by M/s. Pandya & Co. for the Applicant.
None for the Respondent No.4-MCGM
Ms. Pooja Ksirsaar a/w Mr. Vikramjit arewal i/by IC Legal for the
Respondent No.2.
Dr. Birendra Saraf i/by Mr. Yogesh Adhia for the Respondent No.3.
Mr. Sharan Jagtiani i/by Aditya Chitle for the Respondent No.5.**

**CORAM : R. M. SAVANT &
SARANG V KOTWAL, JJ.**

DATE : 03rd October 2017

P.C.

1 The above Notice of Motion has been filed seeking condonation of delay of 37 days in filing the above Appeal. The reasons therefor are mentioned in the Affidavit in Support of the Notice of Motion.

2 The learned counsel appearing for the Respondent No.3 Shri Birendra Saraf and the learned counsel appearing for the Respondent No.5 Shri Sharan Jagtiani oppose the Notice of Motion but ultimately leave it to the Court.

3 None appears for the Respondent – Municipal Corporation for Greater Mumbai, though served.

4 Hence accepting the reasons mentioned in the Affidavit in Support of the Notice of Motion, the same is allowed and made absolute in terms of prayer clause (a). List the above Appeal for admission on 13/11/2017. The above Notice of Motion is accordingly disposed of.

[SARANG V KOTWAL, J]

[R.M.SAVANT, J]