

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

**CIVIL APPLICATION NO. 433 OF 2018
IN
APPEAL FROM ORDER (ST) NO. 3042 OF 2018**

Mr. Harmhaindersingh Tarasingh Vohra
(Deceased) Through Legal Heirs:
Mrs. Rani Vohra & Ors. .. Appellants/Applicants
Vs.
M/s. Gourmia Foods Pvt. Ltd. .. Respondent

Mr. Prithvi Raj Singh for the Appellants.
Mr. Rashid Khan a/w Priyanka Kothari I/b C.S. Savithri for Respondent.

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CORAM : K.K. SONAWANE, J.

DATE : 7th August, 2018.

P.C. :-

1. Heard the learned Counsel for the appellants-original defendants and the respondent-original plaintiff. The applicants are intending to challenge the validity and propriety of the order passed by the trial Court in Notice of Motion No. 7 of 2017 dated 7th April, 2017. But, there is a delay caused in filing the present appeal. The applicants-original defendants submit that due to unavoidable circumstances the delay is caused for filing an appeal. The applicants have requested to condone the delay. The learned Counsel for the respondent-original plaintiff submits that the impugned order passed by the learned trial Court is meritorious and there is no error in the finding of the trial Court. He fairly conceded to condone the delay and

appreciate the merits of the matter for just and proper decision of the Notice of Motion already dealt with by the trial Court. In view of no objection on the part of the respondent-original plaintiff, the application for condonation of delay deserves to be allowed.

2. Accordingly, the application stands allowed. The delay for presenting an appeal against the impugned order passed by the learned City Civil Court, Dindoshi dated 7th April, 2017 in Notice of Motion No. 7 of 2017 in SC suit No. 2542 of 2016 is hereby condoned. Registry to take requisite steps for further process.

3. On registration of appeal it be placed for admission. The learned Counsel for the respondent waives notice for the sole respondent. Accordingly, the Civil Application stands disposed off. Meanwhile, the interim relief granted earlier to continue till next date.

(K.K. SONAWANE, J.)