

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 569 OF 2018
IN
FIRST APPEAL NO. 75 OF 2012

Banwari Lal Maheshwari (Decd.)
through LRs Savita Banwarilal Maheshwari ... Applicant
Vs.
The Municipal Corporation of Greater Mumbai ... Respondent

Mr. Pradeep J. Thorat, Advocate for the applicant.
Mrs. M.R. Bhoir, Advocate for the respondent/Corporation.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 14th February, 2018.

P.C.:

This Application is moved for restoration of First Appeal, which was dismissed for want of compliance of conditional order dated 30th January, 2013.

2. The learned counsel for the applicant submitted that the Appeal was admitted on the same day, i.e., 30th January, 2013. He submitted that he will file the paper book and comply with the order within four weeks from today. He submitted that there is a delay of 4 years and 7 days in filing this Application and the delay caused is neither deliberate nor intentional, hence the same be condoned.

3. The learned counsel for the respondent/Corporation opposed this Application.

4. In view of this submissions and the reasons mentioned in the Application, the conditional order of dismissal is hereby aside and delay is condoned. First Appeal is restored to its original file along with Applications and the orders passed therein. The applicant shall submit the paper book and comply with the conditional order within four weeks from today. If the paper book is not filed within the stipulated time, the Appeal shall stand dismissed forthwith without further referring to the Court.

5. Civil Application is allowed and is disposed of accordingly.

(MRIDULA BHATKAR, J.)