

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

**CIVIL APPLICATION NO. 896 OF 2016
IN
FIRST APPEAL (ST.) NO. 32931 OF 2015**

Murtuza Ahmed Abdul Gafoor Shaikh & Anr. ... Applicants/Appellants
V/s.
Mumtaz Ahmed Shaikh Mohammed Shaikh ... Respondent

Mr. Devmani J. Shukla for the Applicants/Appellants.

CORAM : K.K. SONAWANE, J.

DATE : 25th JULY, 2018.

P.C. :

1 Heard learned Counsel for the Applicants/Appellants. Despite service of notice, no one else appeared on behalf of Respondent/Original Plaintiff. The present Civil Application is filed for seeking 4 days delay in presenting the Appeal From Order against impugned judgment and order passed by the learned City Civil Court in Suit No.2307 of 2009.

2 In view of nature of the subject matter and reasons mentioned in the Application, there is no impediment to condone the delay for filing the First Appeal. Hence, the Application deserves to be allowed. Accordingly, the

Application stands allowed in terms of prayer clause (a). Delay caused for presenting an Appeal against impugned judgment and order passed by the City Civil Court, Mumbai, in Suit No.2307 of 2009 is hereby condoned. Registry to take requisite steps for further process. Accordingly, Application for condonation of delay stands disposed of in above terms.

3 On registration of Appeal, issue notice to Respondent, returnable on 20.08.2018.

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Waghmare

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(K.K. SONAWANE, J.)