

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.311/2018
IN
CIVIL REVISION APPLICATION (ST) NO.3462/2018

Shaw Wallace and Co. Ltd. & Anr. ... Applicant

V/s.

Supra Medicare Pvt. Ltd. & Ors. ... Respondents

Mr. Vikram Sathaye i/b. Alpha Chambers for the Applicant
Mr. Harshad E. Palve for Respondent No.1.

CORAM: K.K. TATED, J.

DATED : NOVEMBER 30, 2018

P.C. :

1 Heard. By this Civil Application, the Applicant is seeking to condone the delay of 193 days in filing the Civil Revision Application.

2 The learned counsel for the Applicant submits that for filing an Application they have to take instructions from their head office. Hence, there is delay in filing the Civil Revision Application. He relies on paragraph Nos.1 to 4 of the Civil Application. He submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay and the matter may be heard on merits. He submits that if the delay is not condoned, irreparable loss will be caused to the Applicant. He submits that they have good chance of success in the matter.

3 On the other hand, the learned counsel for Respondent No.1 has vehemently opposed the Civil Application. The Respondent No.1 has filed Affidavit-in-Reply dated 29.11.2018. He submits that the Applicant has not made out any case for condonation of the inordinate delay. Hence, there is no substance in the Civil Application. It may be dismissed with costs.

4 Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed in paragraph 4 to 6 of the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application. At the same time, the Applicant has to pay cost of Rs.5000/- to Respondent No.1. Within two weeks from today.

5 Hence, following order is passed:

- a. The Civil Application is allowed.
- b. Delay in filing the Civil Revision Application is condoned.
- c. The Applicant to pay cost of Rs.5000/- to Respondent No.1, within two weeks from today and place on record a receipt thereof, failing which the Civil Application shall stand dismissed without further reference to the court.
- d. Civil application stands disposed off accordingly.

(K. K. TATED, J.)