

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

(27)

**CIVIL APPLICATION NO. 1792 OF 2018
IN
FIRST APPEAL STAMP NO. 8413 OF 2018**

M/s. Sonal Construction ... Applicants
Versus
Hiralal Detaram Makhijani ... Respondent

(28)

**CIVIL APPLICATION NO. 1794 OF 2018
IN
FIRST APPEAL STAMP NO. 8420 OF 2018**

M/s. Sonal Construction ... Applicants
Versus
Dolly M. Fernandez ... Respondent

(29)

**CIVIL APPLICATION NO. 1797 OF 2018
IN
FIRST APPEAL STAMP NO. 10147 OF 2018**

M/s. Sonal Construction ... Applicants
Versus
Vijayanand B. Churi (Deceased)
1(a) Smt. Sadhana Vijayanand Churi & others ... Respondents

(30)

**CIVIL APPLICATION NO. 1799 OF 2018
IN
FIRST APPEAL STAMP NO. 10151 OF 2018**

M/s. Sonal Construction ... Applicants
Versus
Krishnan D. Makhijani (Deceased)
1(a) Mrs.Rajshree K. Makhijani and others ... Respondents

**THE FOLLOWING MATTERS ARE NOT ON BOARD. ON REQUEST
OF LEARNED COUNSEL, SAME ARE TAKEN ON BOARD**

**CIVIL APPLICATION NO. 1808 OF 2018
IN
FIRST APPEAL STAMP NO. 9596 OF 2018**

M/s. Sonal Construction	... Applicants
Versus	
Mrs. Dorothy C. Pais	... Respondent

**CIVIL APPLICATION NO. 1814 OF 2018
IN
FIRST APPEAL STAMP NO. 9590 OF 2018**

M/s. Sonal Construction	... Applicants
Versus	
R. B. Gaonkar	... Respondent

**CIVIL APPLICATION NO. 1813 OF 2018
IN
FIRST APPEAL STAMP NO. 9582 OF 2018**

M/s. Sonal Construction	... Applicants
Versus	
John S. D'Souza and another	... Respondents

**CIVIL APPLICATION NO. 1806 OF 2018
IN
FIRST APPEAL STAMP NO. 10136 OF 2018**

M/s. Sonal Construction	... Applicants
Versus	
Ram Detaram Makhijani (Deleted since deceased)	
1(a) Mrs. Seems R. Makhijani and others	... Respondents

CIVIL APPLICATION NO. 1824 OF 2018
IN
FIRST APPEAL STAMP NO. 10068 OF 2018

M/s. Sonal Construction	... Applicants
Versus	
Bernard Alphonso and another	... Respondents

CIVIL APPLICATION NO. 1802 OF 2018
IN
FIRST APPEAL STAMP NO. 9579 OF 2018

M/s. Sonal Construction	... Applicants
Versus	
Ivan A. Pais	... Respondent

CIVIL APPLICATION NO. 1832 OF 2018
IN
FIRST APPEAL STAMP NO. 10212 OF 2018

M/s. Sonal Construction	... Applicants
Versus	
Margaret Cordeiro	... Respondent

CIVIL APPLICATION NO. 1821 OF 2018
IN
FIRST APPEAL STAMP NO. 10084 OF 2018

M/s. Sonal Construction	... Applicants
Versus	
Casetan Victor D'Souza (Deceased)	
1(a) Mrs. Maria Dominica D'Souza and others	... Respondents

CIVIL APPLICATION NO. 1810 OF 2018
IN
FIRST APPEAL STAMP NO. 10087 OF 2018

M/s. Sonal Construction	... Applicants
Versus	
Manohar Ganesh Bhatt (Deceased)	
1(a) Mrs. Vasanti M. Bhatt and another	... Respondents

**CIVIL APPLICATION NO. 1818 OF 2018
IN
FIRST APPEAL STAMP NO. 10261 OF 2018**

M/s. Sonal Construction	... Applicants
Versus	
Faustine John Mathias	... Respondent

**CIVIL APPLICATION NO. 1804 OF 2018
IN
FIRST APPEAL STAMP NO. 10142 OF 2018**

M/s. Sonal Construction	... Applicants
Versus	
John F. Miranda (deceased) and others	... Respondents

**CIVIL APPLICATION NO. 1816 OF 2018
IN
FIRST APPEAL STAMP NO. 10161 OF 2018**

M/s. Sonal Construction	... Applicants
Versus	
Gangadhar B. Gaonkar (deceased)	
1(a) Smt. Saraswati G. Gaonkar and others	... Respondents

.....

Mr. G. S. Godbole i/b Mr. Yatin Rasiklal Shah for Applicants.
Mr. K.N.Kandekar for Respondent.

.....

**CORAM : K. K. SONAWANE, J.
DATE : 13th AUGUST, 2018.**

P. C.:

1. Heard learned Counsel for the applicants-original defendants and learned Counsel for respondent-original claimant.

2. Learned Counsel for the applicant-original defendant submits that the original defendant is intending to prefer appeal against the impugned judgment and decree passed by the City Civil Court, Greater Bombay, but there is delay in presenting the appeal. The delay caused is not intentional and deliberate but caused due to unavoidable circumstances. Learned Counsel requested to condone the delay.

3. Learned Counsel appearing for respondent-original plaintiff did not put in controversy the issue of condonation of delay and submits to pass suitable order in the interest of justice.

4. In view of nature of the subject matter, which is pertains to immovable property, I find that reasonable opportunity is to be given to the applicant-original defendant to approach to the appellate forum to ventilate its grievances for redressal. It would not cause any injustice and prejudice to respondents. In contrast, it would subserve the purpose in the interest of justice. In view of reasons mentioned in the application, there is no impediment to condone the delay.

5. Accordingly, civil applications stand allowed in terms of prayer clause (a). The delay caused for filing appeal is hereby condoned. The Registry to take requisite steps for further process.
6. Accordingly civil applications stand disposed of.
7. On registration of appeal, issue notice of admission to the respondents, returnable on 11th September, 2018. Mr. Kandekar, learned Counsel waives notice for respondent in respective matters.
8. After compliance, list these appeals for admission on 11th September, 2018.

(K. K. SONAWANE, J.)

Shridhar
Marutirao
Sutar

Digitally signed by
Shridhar Marutirao
Sutar
Date: 2018.08.23
12:07:58 +0530