

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

**CIVIL APPLICATION (STAMP) NO.12758 OF 2018**  
**IN**  
**APPEAL FROM ORDER (STAMP) NO.12756 OF 2018**

Dindoshi Vrindavan Co-op. Housing  
Society Ltd., Malad, Mumbai & Anr.

.... Applicants

V/s.

Karan Group Builders and Developers,  
Vasai, Thane and Anr.

.... Respondents

Mr. Atul Damle, Senior Counsel, a/w. Mr. Satyajeet Shirke, I/by Mr. Uday P. Warunjikar, for the Applicants.

Mr. Laxminarayan Shukla, I/by M/s. MKS Legal Associates, for the Respondents.

**CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.**

**DATE : 27<sup>TH</sup> SEPTEMBER, 2018.**

**P.C. :**

1. Heard Mr. Damle, learned Senior Counsel for the Applicants, and Mr. Shukla, learned counsel for the Respondents.

2. This is an application for condonation of delay of 146 days in preferring the Appeal against the order passed by the Trial Court.

3. Learned counsel for the Respondents strongly resists this application on the count that, no sufficient cause is shown for the delay.

4. However, in order to advance the substantive cause of justice and with an intention that on technical ground, the matter should not be thrown out of the Court at the threshold itself, the delay needs to be condoned; however, in order to compensate the Respondents, the delay is required to be condoned subject to payment of costs.

5. Accordingly, the Civil Application is allowed. The delay in preferring the Appeal is condoned, subject to payment of costs of Rs.5,000/- by the Appellants to the Respondents within a period of one week from today, failing which, this order will automatically stand vacated, without any further reference to the Court.

6. In case the costs are paid within the stipulated time, place the Appeal for admission on 5<sup>th</sup> October 2018.

7. Civil Application is disposed off in the above terms.

**[DR. SHALINI PHANSALKAR-JOSHI, J.]**