

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 1209 OF 2015
IN
APPEAL FROM ORDER (St.) No. 14105 OF 2015

Gyasuddin Kifayatulla Zariwala ... Applicant
Vs.
M/s. Sirsiwala Realty & Ors. ... Respondents

Ms. Manisha B. Gawde i/b. Y.E. Mooman, Advocate for the applicant.

Mr. Akhil Kupode i/b. Manoj Harit & Co., Advocate for respondent nos. 1 to 4.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 5th January, 2018.

P.C.:

This Application is moved for condonation of delay in filing the Appeal from Order.

2. The learned counsel for the applicant submitted that there is a delay of 92 days in filing Appeal from Order. He submitted that the applicant is 70 years old and was not keeping good health, therefore, he could not contact the counsel. The order under challenge is passed on 9th December, 2014. The applicant has lost his wife and it took time for him to recover from trauma. Hence, the delay be condoned.

3. The learned counsel for respondent nos. 1 to 4 while opposing

this Application has submitted that no proper cause is shown.

4. in view of the submissions made by the learned counsel for the applicant, sufficient cause is made out. Hence, delay of 92 days is condoned.

5. Appeal be numbered.

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

7. Place the Appeal for admission on 16th February, 2018.

(MRIDULA BHATKAR, J.)