

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

**CIVIL APPLICATION NO. 984 OF 2015
IN
APPEAL FROM ORDER (ST.) NO. 16655 OF 2015**

Suresh Govind Joshi ... Applicant
V/s.
Municipal Corporation for Gr. Mumbai & Ors. ... Respondents

Mr. Nilesh V. Bhutekar i/b Mr. Ravi Punjabi for the Applicant.
Ms. Madhuri More for Respondent No.1 to 3.

CORAM : K.K. SONAWANE, J.

DATE : 25th JULY, 2018.

P.C. :

1 Heard learned Counsel for the Applicant and the learned Counsel appearing for Respondent Nos.1 to 3. Despite service of notice, no one else appeared on behalf of Respondent No.4. Petitioner moved the present Civil Application for condonation of 21 days delay in presenting the Appeal From Order passed in Notice of Motion No.1608 of 2015 in L.C. Suit No.1048 of 2015 under order dated 22.04.2015.

2 Learned Counsel for the Applicant submits that the delay caused to present an Appeal is not intentional and deliberate, but caused due to

unavoidable circumstances. The learned counsel for the Respondent Municipal Corporation raised an objection and contend that the delay has not been properly explained and may not be condoned.

3 However, in view of nature of the subject matter and reasons mentioned in the Application, there is no impediment to condone the delay for substantial justice. Hence, the delay caused for presenting Appeal from order passed in Notice of Motion No.1608 of 2015 under order dated 22.04.2015 is deserves to be condoned.

4 Accordingly, Application stands allowed in terms of prayer clause (a). The delay caused for filing an Appeal is hereby condoned. Registry to take requisite steps for further process.

5 On registration of Appeal from Order, issue notice of admission to Respondent No.4, returnable on 20.08.2018. Learned Counsel Ms. Madhuri More waives service of notice for Respondent Nos.1 to 3.

(K.K. SONAWANE, J.)

Waishali
Sushil
Waghmare

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Date: 2018.07.27
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