

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1091 OF 2015
IN
APPEAL FROM ORDER st. NO.17543 OF 2015

Canara Bank

... Applicant

Vs.

M/s.Tajoomal Industries Ltd.

... Respondent

Mr.Prakash Shinde with Rohan Agrawal i/b MDP & Partners for the
Applicant

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: FEBRUARY 12, 2018

P.C.:

1. Learned Counsel for the appellant submits that respondent Nos.1 & 4 are not traceable. He submits that in the suit also, they were not traceable and the order was passed ex-parte. It proceeded ex-parte against respondent Nos.1 and 4. None appears for respondent Nos.2 and 3. The suit was dismissed for non-prosecution.

2. The learned Counsel submits that there is a delay of 39 days in filing the present appeal. He seeks condonation of the delay as also setting aside the order of dismissal. He submits that the appellant is

a bank and therefore, for want of procedural compliance, the delay is caused. The delay is not deliberate.

3. In view of the uncontroverted submissions and for the reasons mentioned in the application, the delay is condoned. Appeal be registered and listed after eight weeks. Registry is directed to issue notices to the respondents, returnable after eight weeks.

4. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)