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

**APPEAL FROM ORDER (ST) NO.17125 OF 2018
WITH
CIVIL APPLICATION NO.683 OF 2018
IN
APPEAL FROM ORDER (ST) NO.17125 OF 2018**

Municipal Corporation of
Greater Mumbai and anr

... Appellant

V/s.

Percept Finserve Private Ltd.
and ors

... Respondents

Mr. N. V. Walawalkar, Senior Counsel a/w Mrs.
Madhuri More, for the appellant.

Mr. Amogh Singh i/by Dhirendra Pratap Singh, for
respondents

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 25th SEPTEMBER, 2018.

P.C. :

1] Heard learned counsel for the appellant and respondent.

2] This application is for condonation of delay occurred in
filing the Appeal, against the order passed by the trial Court, thereby
making Notice of Motion absolute.

3] Learned counsel for appellant submits that the suit is
pending before the trial Court and therefore, without going into the
merits, the matter may be relegated to the trial Court for decision of

the suit

4] In view thereof, the application is allowed. The delay in preferring the appeal is condoned so that the appeal can be disposed off and the matter can be relegated to the trial Court.

5] Appeal therefore, stands disposed off.

6] It is needless to clarify that the dismissal of the appeal will not have any effect on the decision of the suit and the suit will be decided on its own merits.

[DR.SHALINI PHANSALKAR-JOSHI, J.]