

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

**CIVIL APPLICATION NO. 2815 OF 2018
IN
FIRST APPEAL STAMP NO. 22364 OF 2018**

Cosmos Bon Voyage & Forex P. Ltd.	... Applicants
<i>In the matter of</i>	
Cosmos Bon Voyage & Forex P.Ltd.	... Appellants
Versus	
Indusind Bank Ltd and others	... Respondents

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Mr. Suneel D. Mogre for Applicants.
Mr. Sushankumar Yadav i/b M/s. K. Ashar & Co. for Respondent No.1.

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CORAM : K. K. SONAWANE, J.

DATE : 13th AUGUST, 2018.

P. C.:

1. Heard learned Counsel for the applicant-original defendant No.1. Perused the application.

2. Issue notice to the respondents, returnable on 10th September, 2018. Mr. Yadav, learned Counsel waives service of notice on behalf of respondent No.1-original plaintiff. Respondents No. 2 and 3 are the original defendants and formal parties in this appeal. Therefore, there is no necessity to serve notice of present application to respondents No. 2 and 3. Learned Counsel for respondent No.1-original plaintiff fairly conceded for the same and agreed to proceed further for decision of the present

application on merit. Learned Counsel for respondent No.1 submits that the suitable order be passed in the interest of justice.

3. In view of reasons mentioned in the civil application and nature of the subject matter, being a money decree, it would justifiable to grant reasonable opportunity to the applicant-appellant – original defendant to approach to the appellate forum to get redress its grievance. Definitely, it would subserve the purpose in the interest of justice. Hence, application deserves to be allowed.

4. Accordingly, civil application stands allowed in terms of prayer clause (a). Delay caused for filing the appeal against the impugned judgment and decree passed by the City Civil Court, Bombay in S.C. Suit No.4144 of 2009 is hereby condoned. Registry to take requisite steps for further process.

5. Accordingly, civil application stands disposed of in above terms.

6. On registration of appeal, issue notice of admission to the respondents, returnable on 10th September, 2018. Mr. Yadav, learned Counsel waives notice on behalf of respondent No.1.

7. In addition to the regular mode of service, appellants shall serve respondents privately by legally acceptable fastest mode and file affidavit of service with its tangible proof.

(K. K. SONAWANE, J.)