

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2571 OF 2016
IN
FIRST APPEAL (STAMP) NO.16212 OF 2015

Patidar Co-op. Hsg. Society Ltd., Malad, Mumbai.	 Applicant
V/s.	
Mukesh Shashikant Patel and Anr.	 Respondents

Mr. Sunil C. Patel for the Applicant.

None for the Respondents.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 19TH SEPTEMBER, 2018.

P.C. :

1. Heard Mr. Patel, learned counsel for the Applicant.
2. This is an application for condonation of delay of 6 years and 34 days in preferring the First Appeal.
3. The reason given is that, the Applicant was not at all a party to the Suit and on the very first day of the Suit, Respondent Nos.1 and 2 had filed the 'Consent Terms' and the Suit came to be disposed off. Only when the Appellant-Applicant came to know about the 'Decree', it has filed the present Appeal, after seeking leave of the Court.
4. The notice of this Civil Application was issued to Respondent No.1 and as per the order dated 26th September 2016 passed by the Registrar (Judicial-II), it was held that, Respondent No.1 is duly served with the notice. Similarly, Respondent No.2 is also duly served through the notice published in the local newspaper.

5. In view thereof, as none of the Respondents have appeared, though duly served with the notice, and for the reasons stated here-in-above, as sufficient cause is made out, the delay is condoned.
6. Civil Application is allowed, with no order as to costs.
7. First Appeal be registered and placed for admission on 10th October 2018.
8. Civil Application is disposed off in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]