

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION (ST) NO.25147 OF 2018
IN
FIRST APPEAL NO.1539 OF 2012**

Reliance Communication Limited ... Applicant

Vs

Mr. Rajendra P. Bansal ... Respondents

...

Mr. Cyrus Bharucha with Mr. Tushar Kakalia and Mr. Paresh Patkar i/by M/s. Mulla & Mulla & C.B.C. for Applicant/Appellant.

Respondent Mr. Rajendra P. Bansal present in person

**CORAM : K. K. TATED &
SANDEEP K. SHINDE JJ.
DATE : 19 SEPTEMBER, 2018**

P.C. :

Heard learned counsel for the Parties.

2 Respondent Mr. Rajendra P. Bansal party in person present.

3 By this Civil Application, the Applicant is seeking to condone the delay of 11 days in paying the cost of Rs.15,000/- to the Respondent as directed by the order dated 18.6.2018 passed by this Court in Civil Application No.1741 of 2018.

4 The learned counsel for the Applicant submits that it

remained on their part to comply the order dated 18.6.2018 within the stipulated period. He submits that delay of 11 days be condoned on paying additional sum of Rs.15,000/- to the Respondent by way of cost.

5 The learned counsel for the Applicant submits that they handed over cheque of Rs.30,000/- dated 19.9.2018 bearing no.004996 drawn on HDFC Bank Ltd. to the Respondent. Respondent accepts the same and he has given acknowledgment to the advocate for the Applicant.

6 Learned counsel Mr. Bharucha for the Applicant submits that earlier they forwarded cheque of Rs.15,000/- bearing no.980298 drawn on HDFC Bank Ltd. Dated 4.7.2018 to the Respondent by Speed Post. He submits that during the course of the arguments, Respondent party-in-person submitted that he has not received cheque. Hence, advocate for the Applicant seeks permission to issue instructions to the Bank to stop payment of the said cheque. Same is permitted.

7 In view of these facts, we are of the opinion that Applicant has made out a case for allowing Civil Application.

8 The Civil Application is allowed in terms of prayer clause (a) which reads thus:

(A)“(a) That this Hon'ble Court condone the delay of 11 (eleven) days by the Applicant in paying the costs of Rs.15,000/-to the Respondent as directed by this Hon'ble Court by the order dated 18th June 2018 passed in Civil Application No.1741 of 2018 (Exhibit G hereto);”

(B) First Appeal No.1539 of 2012 is restored on file for hearing on its own merits.

(C) Registry is directed to place F.A.No.1539 of 2012 for hearing on a weekly board commencing from 15.10.2018.

(SANDEEP K. SHINDE, J.)

(K. K. TATED, J.)