

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

WRIT PETITION NO.11225 OF 2014

Indospace Rohan Industrial Park
Pvt. Ltd. (previously known as
Rohan Realty Private Limited) .. Petitioner
Vs.
Sou. Ratnaprabha Baban Gofane & Ors. .. Respondents

Mr.P.S. Dani, Senior Advocate i/by Ms.Manjiri Sharad Parasnis for the petitioner.
Mr.Prosper D'Souza i/by Mr.Rajendra Anbhule for the respondent no.1.
Mr.S.H.Kankal, AGP for the respondent nos.1 to 3.

CORAM : R.D. DHANUKA, J.
DATE : 16th August 2018

P.C.:

. Heard learned counsel for the petitioner and the respondent no.1.

2. By consent of the petitioner and the respondent no.1, the impugned order dated 31st May 2014 passed by the respondent no.7 in Appeal No.2529 of 2013 is quashed and set aside. The Appeal No.2529 of 2013 and the application for condonation of delay are restored to file. The respondent no.7 shall decide the application for condonation of delay first in accordance with law and without being influenced by the observations made and the conclusions drawn in the impugned order dated 31st May 2014. If the delay is condoned, the respondent no.7 shall hear the parties on merits and decide the Appeal No.2529 of 2013

on its own merit without being influenced by the observations made and the conclusions drawn in the impugned order dated 31st May 2014.

3. It is made clear that this Court has not expressed any views on merits of the matter. All the contentions of both the parties on merits are kept open. The said Appeal No.2529 of 2013 along with the application for condonation of delay shall be decided expeditiously. Both the parties are directed to co-operate with each other and with the respondent no.7. Both the parties are directed to appear before the respondent no.7 on 4th September 2018 at 3.00 p.m.

4. Writ petition is disposed of in aforesaid terms. No order as to costs.

R.D. DHANUKA, J.