

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

CIVIL APPLICATION NO. 4723 OF 2016
IN
FIRST APPEAL (ST) NO. 31461 OF 2016
WITH
FIRST APPEAL(st) NO. 31461 OF 2016

Municipal Corporation of Gr. Mumbai ..Applicant

v/s.

Umanath Awasthi @ Kunda Bhaiya ..Respondents

Mr. J. Rais, Sr. Advo. a/w. M. Bhoir for the Applicant
Mr. B. S. Shukla for the Respondent.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 12 APRIL, 2018.**

P.C.

1. The appellants herein have sought to condone the delay of 217 days in challenging the judgment dated 6th February, 2016 in L.C. Suit No. 4278 of 2013.
2. The learned Counsel for the respondent has submitted that the applicant has not made out sufficient cause to condone the delay.
3. The averments made in paragraphs 4, 5 and 6 of the application, in my considered view, constitute sufficient grounds to

condone the delay. Hence, the delay in filing the appeal is condoned. However, the same shall be subject to cost of Rs.10,000/- to be paid to the respondent.

4. Appeal be registered on payment of cost to the respondent, and on removal of office objections, if any.
5. Civil application is disposed of.
6. Place the appeal for admission on 16th July, 2018.

(ANUJA PRABHUDESSAI, J.)