

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.103 OF 2016
IN
FIRST APPEAL (STAMP) NO.32689 OF 2015

Rajkumari Amarsen Goragandhi and Ors. Applicants
V/s.
The Municipal Commissioner,
Municipal Corporation of Greater Mumbai and Ors. Respondents

Mr. Kalpesh Joshi and Ms. Nisha Shah, I/by M/s. Kalpesh Joshi Associates, for the Applicants.

Mr. Prashant Sutar for the Respondent-MCGM.

Ms. Minal Chandnani, I/by Mr. J.S. Chandnani, for Respondent No.5.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 27TH SEPTEMBER, 2018.

P.C. :

1. Heard learned counsel for the respective parties.
2. This is an application for condonation of delay of 136 days in preferring the First Appeal.
3. Learned counsel for Respondent No.5 resists the application on the count that, the reason given in the application is not sufficient.
4. Considering that this is a First Appeal, which is a statutory right of the litigating party, in order to ensure that the said right is not defeated

on technical ground, the delay deserves to be condoned, so as to advance the substantive cause of justice. However, in order to compensate Respondent No.5, the delay is condoned, subject to costs of Rs.2,500/-, to be paid by the Applicant to Respondent No.5 within a period of two weeks from today, failing which this order will automatically stand vacated, without any further reference to the Court.

5. First Appeal be registered and placed for admission on 24th October, 2018, subject to payment of costs of Rs.2,500/- by the Applicant-Appellant to Respondent No.5 within the stipulated time.

6. Civil Application stands disposed off in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]