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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

NOTICE OF MOTION NO.2526 OF 2016
IN
APPEAL (L) NO.136 OF 2016
IN
NOTICE OF MOTION NO.673 OF 2010
IN
SUIT NO.2434 OF 2010

Naresh Damodardas Bhuta and others ..Applicants

IN THE MATTER BETWEEN

Naresh Damodardas Bhuta and others ..Appellants
Versus

M/s. Landmark Construction Company
and others ..Respondents

Mr. Anil R. Mishra, Advocate for the Applicants/Appellants.
Mr. Ranjeet Carvalho a/w Mr. Prayag Joshi I/by Mr. Bipin J. Joshi,
Advocate for Respondent Nos.1 to 3.

**CORAM: B. R. GAVAI &
RIYAZ I. CHAGLA, JJ.**

DATE: 22nd NOVEMBER, 2018

P.C.:-

1] By way of present Notice of Motion, Applicants have prayed for
condonation of delay in filing the appeal.

2] Notice of Motion is vehemently opposed by the learned Counsel appearing on behalf of the Respondents on the ground that no sufficient cause is made out for condonation of delay.

3] In the affidavit in support of the Notice of Motion, it is stated that original Plaintiff i.e. Appellant No.1, at the time of passing of the impugned order, was 90 years old and immediately after the impugned order was passed, he suffered from serious medical complications. It is further stated that the Deponent was the only person who was looking after him and also looking after the present suit. It is further submitted that thereafter Appellant No.1 has died.

4] Taking into consideration the grounds stated in the affidavit in support of the Notice of Motion, we are inclined to allow the Notice of Motion.

5] Notice of Motion is made absolute in terms of prayer clause (a).

(RIYAZ I. CHAGLA J.)

(B. R. GAVAI, J.)