

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO. 995 OF 2018
IN
APPEAL (L) NO. 41 OF 2017

B.L. Chandrashekhar ... Applicant/Appellant.
V/s.
Vyankatesh Sambha Manjrekar and ors. ... Respondents.

Mr. Abhinandan Waghmare h/f. Mr. Ansari Shahid Ali Inayatoli for the
Applicant/Appellant.

Mr. A. R. Kori for Respondent No.1.

Mr. Akhlaque M. S. Solkar for Respondent Nos.2 to 13.

CORAM : A.S. OKA AND M.S. SONAK, JJ.

DATE : 15th OCTOBER 2018.

P.C.:

1] Heard the learned counsel appearing for the applicant, the learned counsel appearing for the 1st respondent and the learned counsel appearing for the 2nd to 13th respondents. Notice of Motion is opposed by the learned counsel appearing for the respondents. There is a delay of about 143 days in preferring the Appeal. By the impugned order, the plaint in the Suit filed by the appellant has been rejected.

2] It is well settled that while dealing with the prayer for condonation of delay under Section 5 of the Limitation Act, 1963 liberal and justice oriented approach is required to be adopted. Considering the averments made in the affidavit in support of the Notice of Motion, this is a fit case to condone the delay subject to costs. Accordingly, we pass the following order:-

(a) Notice of Motion is made absolute in terms of the prayer clause (a), subject to the applicant paying costs quantified at Rs.7500/- to the 1st respondent and the costs totally quantified at Rs.7500/- to the 2nd to 13th respondents within a period of three weeks from the date on which this order is uploaded. The payment of costs will be a condition precedent;

(b) Notice of Motion is disposed of on the above terms.

(M. S. SONAK, J.)

(A.S.OKA, J.)