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

**CIVIL APPLICATION NO. 167 OF 2018
IN
APPEAL FROM ORDER (ST) NO. 16956 OF 2017
WITH
APPEAL FROM ORDER (ST) NO. 16956 OF 2017**

Shri. Jagannath BandagaleApplicant

V/s.

The Municipal Corporation of Greater MumbaiRespondents
and another

None for the applicant
Mrs. Madhuri More for BMC

CORAM : K. K. TATED, J.

DATE : MARCH 15, 2019.

P.C.

None for the applicant. As no one appeared on behalf of the applicant, dismissed for non prosecution.

2 In view of the dismissal of the Civil Application no. 167 of 2018, nothing survives in Appeal from Order. Hence, registration of Appeal from Order stands rejected.

3 Later on Advocate Mr. A. L. Shaikh for the applicant mentioned
this matter. Heard the learned counsel for the parties. Earlier order
is recalled

4 By this Civil Application, applicant is seeking condonation of
6 days delay in filing Appeal from Order challenging the order dated
02/05/2017 passed by Bombay City Civil Court in Notice of Motion
No. 81 of 2012 in L.C. Suit No. 52 of 2012.

5 Considering the submissions made by the learned counsel for
the applicant and the averments made in the Civil Application, I am
satisfied that applicant has made out a case for allowing the Civil
Application. Hence, following order:

- (I) Delay of 6 days in filing Appeal from Order is condoned.
- (II) Civil Application stands disposed of.
- (III) No order as to costs.

[K. K. TATED, J.]