

Tikam

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

CIVIL APPLICATION No. 366 OF 2019
IN
APPEAL FROM ORDER (ST) No. 2394 OF 2019

The Municipal Corporation of
Greater Mumbai and Anr. ...Applicants
Vs.
Almas Banoo Noor Mohammed Khan ...Respondent

Ms. Oorja Dhond for Applicants
Mr. M.S. Kadu for Respondent No.1

CORAM : SHRI K.K. TATED, J.

DATE : APRIL 24, 2019

P.C.:

1. Heard learned counsel for the parties.
2. By this civil application, the Applicant is seeking condonation of 223 days delay in filing the Appeal from Order, challenging the Order dated 5th May, 2018 passed by the Bombay City Civil Court at Bombay in Notice of Motion No.1884 of 2017 in L.C. Suit No. 257 of 2016.
3. Considering the submissions made by the learned counsel for the Applicant, and the averments made in paragraphs 4 and 5 of the civil application, I am satisfied that the Applicant has made out a case for allowing the civil application, but at the same time they have to pay costs of Rs.5,000/- to the Respondent or their counsel. Hence, following order:

ORDER

- (A) Delay of 223 days in filing the Appeal from Order is condoned.
- (B) Applicant to pay costs of Rs.5,000/- to the Respondent or their

advocate on or before 15th June, 2019 and place on record a receipt to that effect, failing which the civil application shall stand dismissed without referring back to the Court.

(C) Civil Application stands disposed of accordingly.

[K.K. TATED, J.]

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