

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 908 OF 2009
IN
FIRST APPEAL (ST) No. 3809 of 2009

Gausiya Begum Sayyed Iqbaql Nizami	...Applicant
Vs.	
Sayyed Mohammed Khalik Iqbal Nizami	
and Anr.	...Respondents

Mr. Yajuvendra S. Singh for Applicant

CORAM: K.K. TATED, J.

DATED : JUNE 19, 2019

P.C. :

- 1 Heard learned counsel Mr. Yajuvendra Singh for the Applicant.
2. Though the Respondents are duly served, no one appeared on behalf of them when the matter was called out.
3. By this civil application, the Applicant-Original Plaintiff is seeking condonation of 55 days' delay in filing the First Appeal challenging the judgment and decree dated 4th September, 2008 passed by the Bombay City Civil Court at Bombay in S.C. Suit No. 4539 of 2004 dismissing the Applicant's suit under Section 6 of the Specific Relief Act for possession of the suit premises i.e. Room No.904, Chawl No. 114, Motilal Nagar No.1, Goregaon (West), Mumbai – 400 104.
4. Considering the submissions made by the learned counsel for the Applicant and the averments made in the civil application, I am satisfied that the Applicant has made out a case for allowing this civil application.

5. Hence, following order:

- (a) Delay in filing the first appeal is condoned.
- (b) Civil Application stands disposed of accordingly.
- (c) No order as to costs.

(K. K. TATED, J.)