

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

**CIVIL APPLICATION NO.3700/2016
IN
FIRST APPEAL (STAMP)NO.4061/2015**

**WITH
CIVIL APPLICATION NO.3702/2016
IN
IN FIRST APPEAL (STAMP)NO.4065/2015**

**WITH
CIVIL APPLICATION NO.3704/2016
IN
IN FIRST APPEAL (STAMP)NO.4069/2015**

**WITH
CIVIL APPLICATION NO.3706/2016
IN
IN FIRST APPEAL (STAMP)NO.4079/2015**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Ms. Tanaya Goswami, AGP for respondent.
Ms.Sandhya Mailgir i/b Bhavna Khemani,
advocate for applicant.

**CORAM : K.K.TATED, J.
DATED : JUNE 6, 2019**

P.C.

Heard learned counsel for the parties.

2. Though original claimants are duly served, no one appeared for them when the matter is called out.

3. These civil applications are for condonation of 175 days delay in filing appeals, challenging common judgment dated 17.05.2014 passed by the reference court at Nashik.

4. Learned counsel for applicants submit that inadvertently it remained on the part of the advocate who appeared in trial to file application for certified copy immediately. She submits that when the officer from the applicant's office made inquiry with the advocate, he realized that it remained to file application for certified copy and immediately he filed application for the same. Hence, the delay. These facts are stated by the applicants in para 8 of civil applications.

5. Learned advocate for applicants submit that in the interest of justice this Court, be pleased to condone the delay in filing first appeal. She submits that they have good chance of success in the present proceeding. She submits that if delay is not condoned, irreparable loss will be caused to them.

6. Heard learned counsel for applicants. Mainly there is delay on the part of applicants to file present first appeal because, it remained on the part of their advocate to make appropriate applications for certified copy within time. Considering the submissions made by learned counsel for applicants and averments in para 8 of civil application, I am satisfied that applicants have made out a case for allowing the civil applications, but at the same time, they have to pay cost of Rs.2,500/- in each matter.

7. Hence, the following order.

- a) Delay in filing first appeals is condoned.
- b) Applicants to pay cost of Rs.2500/- in each matter.
- c) Cost be deposited in Kirtikar Law Library, High Court, Main Building, Mumbai on or before 29.06.2019 and place a receipt thereof on record failing which, the civil applications shall stand dismissed without referring back to the court.
- d) All civil applications stands disposed of accordingly.

(K.K.TATED, J.)

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