

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1228/2019
IN
FIRST APPEAL (STAMP)NO.607/2019

Kundlik Sakharam Ubale
(deceased)

1-A Smt. Sushila K. Ubale & Ors.

... Appellants

V/s.

MHADA & Ors.

... Respondents

Mr. Rustom Pardiwalla i/b Sulendra J. Faro, advocate for the
Appellant.

Ms.Jaya Bagwe, advocate, i/b S.Deshmukh for respondent nos.1 and 2.

Mr.Mohammedali J. Merchant, respondent no.11 present.

CORAM: K.K. TATED, J.

DATED : JUNE 21, 2019

P.C. :

1 Heard Mr.Pardiwalla, learned counsel for applicant and Ms Bagwe for respondent nos.1 and 2. Mr. Mohammad Ali Merchant, respondent no.11 party in person present.

2. Liberty granted to applicant to carry out amendment in cause title during the course of the day.

3. Mr. Mohammad Ali Merchant-Respondent no.11, party in person seeks some time. It is to be noted that earlier also the matter was adjourned at the request of respondent no.11. Hence, his request is rejected.

4. By this civil application, applicant/original plaintiff is seeking

condonation of 4 days delay in filing first appeal, challenging judgment and decree dated 30.11.2018 passed by the learned Judge, City Civil Court at Bombay in S.C.Suit no.738/2009.

5. Considering the submissions made by the learned counsel for applicant and the averments made in civil application, I am satisfied that applicant has made out a case for allowing the application.

6. Hence, the following order.

a)Delay in filing first appeal is condoned.

b)Civil application is disposed of accordingly.

(K. K. TATED, J.)