

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

**CIVIL APPLICATION NO. 756 OF 2017  
IN  
APPEAL FROM ORDER (ST) NO. 7133 OF 2017**

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|-----------------------------------------------------------------------------------------------------------|---------------------------|
| 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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Mr. Rajendra Mishra for the Applicant.  
Mrs. Anita Vasani I/b Omprakash Pandey for the Respondent Nos. 1 and 2.  
Mr. G.B. Walawalkar I/b S.P. Thorat for Respondent No.4.

**CORAM : K. K. TATED, J.  
DATE : 05/04/2019**

**P.C.:**

- . Heard learned Counsel for the parties.
- 2 By this Civil Application, the Applicant is seeking condonation of 272 days delay in filing Appeal from Order challenging the order dated 07.05.2016 passed by the Bombay City Civil Court at Dindoshi in Notice of Motion No. 1243 of 2016 in S.C. Suit No. 1219 of 2015 allowing the defendant's notice of motion in terms of prayer clauses (b) and (c).
- 3 The learned Counsel for the Respondent No.1 vehemently opposed the present Civil Application. He submits that Applicant has not shown sufficient

case for condonation of delay.

4 Considering the submissions made by the learned Counsel for the Applicant and averments made in Civil Application, I am satisfied that Applicant has made out a case for allowing the Civil Application, but at the same time, he has to pay costs of Rs.5,000/- to the Respondent No.1 on or before 26.04.2019, failing which Civil Application shall stand dismissed without referring back to the Court.

5 Hence, following order.

a) Delay in filing Appeal from Order is condoned.

b) Applicant to pay costs of Rs.5,000/- to the Respondent No.1 or his Advocate on or before 26.04.2019 and place on record the receipt to that effect, failing which Civil Application shall stand dismissed without referring back to the Court.

c) Civil Application is disposed of accordingly.

**(K.K.TATED, J.)**