

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

**CIVIL APPLICATION NO.885 OF 2017
IN
APPEAL FROM ORDER (ST) NO.8924 OF 2017**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Ms.Madhuri More for the applicant

Mr.Abhinav Chandrachud a/w Mr.Sanket Mungale for the respondent

**CORAM : K. K. TATED, J
DATE : MARCH 22, 2019**

P.C.:

- . Heard the learned counsel for the parties.
- 2 By this Civil Application applicant is seeking condonation of 251 days delay in filing the Appeal from Order challenging the order dated 13.06.2016 passed by Bombay City Civil Court at Bombay in Notice of Motion No.3833 of 2015 in L.C.Suit No.1816 of 2015.
- 3 The learned counsel for the applicant submits that Advocate incharge for filing the

Appeal from Order was busy in another pending matter. Hence, there was delay in filing Appeal from Order in this court. She further submits that even concerned staff was not available for taking immediate steps in the present matter. She submits that delay is not intentional. She submits that they have good chance of success in the present matter. The learned counsel for the applicant submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay in filing the Appeal from Order and matter be heard on its own merits.

4 On the other hand, the The learned counsel for the Respondent original plaintiff vehemently opposed the present Civil Application. He submits that applicant failed to disclose sufficient cause for condonation of inordinate delay of 251 days in filing Appeal. Hence, there is no substance in the present Appeal from Order and same be dismissed with costs.

5 Heard.

6 Considering the submissions made by the learned counsel for the Applicant and the reason disclosed in Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application but at

the same time, applicant to pay cost of Rs.2,500/- to the Respondent. Cost to be paid on or before 30.04.2019. Hence, following order is passed:

- a. Delay in filing Appeal from Order is condoned.
- b. Applicant to pay cost of Rs.2,500/- to the Respondent or their Advocate on or before 30.04.2019 and place on record receipt to that effect, failing which Civil Application shall stand dismissed without referring back to the court
- c. Civil Application stands disposed of accordingly.

(K.K. TATED, J.)