

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

**CIVIL APPLICATION NO.1452 OF 2017
WITH
CIVIL APPLICATION NO.1453 OF 2017
WITH
FIRST APPEAL (ST) NO.11062 OF 2017**

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.Radhika Vyas I/b M/s.AAK Legal for the applicant

Ms.Lakshmi Boosa I/b M/s.M.V.Kini and Co. for the respondent no.1

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

P.C.:

. Heard.

2 Advocate for the applicant filed affidavit dated 20.03.2019. Same is taken on record.

3 By this Civil Application applicant original defendant no.2 is seeking condonation of 1257 days delay in filing First Appeal challenging

the judgment and decree dated 2.8.2013 passed by Bombay City Civil Court at Bombay in S.C.Suit No.9961 of 1989.

4 The learned counsel for the applicant submits that earlier advocate on record failed and neglected to inform the applicant about the judgment and decree passed by Trial Court on 2.8.2013. Hence, there is a delay in filing First Appeal before this court. The learned counsel for the applicant submits that because of mistake on the part of earlier advocate, applicant should not suffer. She submits that applicant has good chance of success in the present proceeding. She submits that in the interest of justice this Hon'ble court be pleased to condone the delay and matter be heard on its own merits.

5 On the other hand, the learned counsel for the Respondent no.1 vehemently opposed the present Civil Application. She submits that applicant failed and neglected to disclose sufficient cause for condonation of more than 1257 days delay in filing First Appeal. She further submits that even applicant has not disclosed name of earlier advocate who failed to inform the applicant about the decision given by Trial Court dated 2.8.2013. Hence, there is no substance in the present Civil

Application and same be dismissed with costs.

6 Heard.

7 It is to be noted that bare reading of the Civil Application shows that applicant failed to disclose sufficient cause for condonation of 1257 days delay in filing First Appeal. Additional affidavit dated 20.03.2019 does not disclose any sufficient cause for condonation of delay.

8 Hence, Civil Application stands rejected.

9 In view of dismissal of Civil Application for condonation of delay, nothing survives in the First Appeal. Hence, registration of First Appeal stands rejected.

10 In view thereof, Civil Application No.1453 of 2017 for stay does not survive. The same is also dismissed as infructuous.

11 No order as to costs.

(K.K. TATED, J.)