

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.384 OF 2016
IN
FIRST APPEAL (ST) NO.28725 OF 2004

Iqbal Ibrahim Chunawala	.. Applicant
Versus	
Municipal Corporation of Gr. Bombay	.. Respondent

Mr. V.R. Tripathi for applicant.
Mrs. Oorja Dhond for respondent-MCGM.

CORAM: K.K. TATED, J.

DATED : MARCH 14, 2019.

P.C. :

. Heard learned Counsel for parties.

2. By this Civil Application, applicant is seeking condonation in filing Civil Application and to recall the order dated 11.01.2008 passed by this Court by which Civil Application No.2508 of 2005 stands dismissed for default.

3. Considering the submissions made by learned Counsel for the applicant, averments made in Civil Application and because of mistake on the part of advocate, applicant should not suffer, I am satisfied that the applicant has made out case for allowing this civil application. But at the same time, applicant to pay cost of Rs.5000/-. Hence, following order :-

- a) Delay in filing Civil Application is condoned.
- b) Order dated 11.01.2008 passed by this Court is recalled.
- c) Civil Application No.2508 of 2005 is restored on file for hearing on its own merits.
- d) Applicant to pay cost of Rs.5000/-
- e) Cost to be deposited in Kirtikar Law Library on or before 30.03.2019 and place on record the receipt to that effect, failing which Civil Application shall stand dismissed without reference to the Court.
- f) Civil Application stands disposed of accordingly.

(K. K. TATED, J.)