

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL JURISDICTION
CIVIL APPLICATION NO.269 OF 2015
IN
FIRST APPEAL (ST) NO. 15993 OF 2014
WITH
CIVIL APPLICATION NO. 270 OF 2015

The General Manager
Best Undertaking

.. Applicant

Versus

Mr. Tulshiram Husani Sawkare

.. Respondent

...

Adv. Hemal Dedhia i/b. Navdeep Vora and Associates for the
Applicant.

Adv. Vishwanath Patil a/w. Kewal B. Anya i/b. Sandeep Katke for
the Respondent.

CORAM: BHARATI DANGRE, J.

DATED : 30th AUGUST, 2019.

P.C:-

1. Applicant is Statutory Corporation constituted under the provisions of Mumbai Municipal Corporation Act, 1888, has filed the First Appeal being aggrieved by the judgment and order dated 13th August, 2013 passed by the M.A.C.T., Mumbai. In instituting the appeal, there is delay of 185 days and by Civil

Application No. 269/2015, the delay is sought to be condoned.

2. With the assistance of the learned counsel for the parties, I have perused the application and learned counsel for the respondent is justified in pointing out that the reasons for delay are sketchily spelt out and do not really make out the case deserving condonation of delay.

3. In per contra, learned counsel for the applicant submits that applicant being Statutory Body is required to undergo several steps and this consumes some time. The said explanation offered thus, appears to bear some sense, since the procedural rigmarole through which the Applicant-Corporation has undergone, consumes some time and it has to be looked out from a slightly liberal angle. However, Statutory Corporation of the State undertakings cannot always avail this privilege by filing the appeal at belated stage when the rights are already crystallized the other side.

4. In such circumstances, I am inclined to condone the delay of 185 days, subject to the payment of cost of Rs.10,000/- to the respondent within a period of 6 weeks from today. Subject to the payment of cost, delay is condoned.

5. Heard respective parties on merits. On consideration

the Appeal is admitted. Shri Vishwanath Patil waives service for the respondent.

6. Liberty is granted to the learned counsel for the respondent to take out the application seeking withdrawal of the amount deposited in M.A.C.T., in pursuant to the order passed on 13th January, 2015. On such application being filed, it would be promptly listed on 25th September, 2019.

SMT. BHARATI DANGRE, J.