

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

**CIVIL APPLICATION NO.2723 OF 2018
IN
FIRST APPEAL (ST.) NO.11822 OF 2018**

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.Omkar Paranjape i/b Mr.A.M.Gokhale for the applicant

Ms.Naseem Patrawala i/b M/s.Patrawala and Co. for the respondent

**CORAM : K. K. TATED, J
DATE : APRIL 30, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant original plaintiff is seeking condonation of delay in filing First Appeal challenging the judgment and decree dated 21.12.2017 passed by Bombay City Civil Court at Bombay in Special Civil Suit No. 9488 of 1993 dismissing their Suit for refund of differential amount of

price amounting to Rs.2,31,222.87 with interest from the Respondent defendant.

3 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. But at the same time, they have to pay cost of Rs.5,000/- to the Respondent or their advocate on or before 15.06.2019 and place on record receipt to that effect, failing which the Civil Application shall stand dismissed without further reference to the court. Hence, following order:

- a) Delay in filing the First Appeal is condoned.
- b) Applicant to pay cost of Rs.5,000/-.
- c) Cost to be paid to the Respondent or their advocate on or before 15.06.2019 and place on record receipt to that effect, failing which the Civil Application shall stand dismissed without further reference to the court.
- d) Civil application stands disposed of accordingly.

(K.K.TATED, J.)