

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

**CIVIL APPLICATION NO. 1122 OF 2015
IN
FIRST APPEAL (ST) NO. 18495 OF 2015**

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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Mrs. Madhuri More for the Applicant.

Mr. R.L. Gonsalves I/b E.A. Gonsalvis for the Respondent.

CORAM : K. K. TATED, J.

DATE : 05/04/2019

P.C.:

. Heard learned Counsel for the parties.

2 By this Civil Application, the Applicant/original Defendant is seeking condonation of 2 years and 52 days delay in filing First Appeal challenging the Judgment and Decree dated 16.04.2012 passed by the Bombay City Civil Court at Mumbai in Suit No. 3072 of 2008.

2 The learned Counsel for the Respondent/Plaintiff vehemently opposed the present Civil Application. He filed Affidavit-in-Reply dated 07.02.2019. He submits that Applicant has not shown sufficient cause for condonation of more than 2 years delay in filing First Appeal. Hence, there is no substance in the Civil Application and same is

required to be dismissed with costs.

3 Considering the submissions made by the learned Counsel for the Applicant and averments made in Civil Application, I am satisfied that Applicant has made out a case for allowing the Civil Application, but the Applicant to pay costs of Rs.10,000/- to the Respondent on or before 30.04.2019, failing which Civil Application shall stand dismissed without referring back to the Court

4 Hence, following order.

a) Delay in filing First Appeal is condoned.

b) Applicant to pay costs of Rs.10,000/- to the Respondent on or before 30.04.2019 and place on record the 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.)