

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 3391 OF 2014  
IN  
FIRST APPEAL (ST) No. 24663 OF 2013

Mr. Dilip L. Arora ...Applicant /Appellant

Vs.

Mr. P. Sampathkumar ...Respondent

Mr. Ram Upadhyay for the Applicant /Appellant  
None for the Respondent

**CORAM: K.K. TATED, J.**

**DATED : JUNE 14, 2019**

**P.C. :**

1. Heard learned counsel Mr. Ram Upadhyay for the Applicant.
2. Though the Respondent is duly served, no one appeared on behalf of him, when the matter was called out.
3. Liberty granted to the Applicant to carry out appropriate amendment in prayer clause (a) during the course of the day.
4. By this civil application, the Applicant/ Original Plaintiff is seeking condonation of 23 days' delay in filing the First Appeal against the judgment and decree dated 4<sup>th</sup> July, 2013 passed by the Bombay City Civil Court at Bombay in Summary Suit No. 2911 of 2009 dismissing the Applicant's suit.
5. Considering the submissions made by the learned counsel for the Applicant and the averments made in the civil application, I am satisfied that the Applicant has made out a case for allowing this civil application.

6. Hence, following order:

**ORDER**

- (A) Delay in filing the First Appeal is condoned.
- (B) Civil Application stands disposed of accordingly
- (C) No order as to costs
- (D) Appellant to remove all office objections in First Appeal (St) No. 24663 of 2013 on or before 6<sup>th</sup> July, 2019, failing which registration of First Appeal shall stand rejected without referring back to the Court.
- (B) If all office objections are removed within time, First Appeal to place on board on 15<sup>th</sup> July, 2019.

**(K. K. TATED, J.)**