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FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2061 OF 2017 IN
FIRST APPEAL ST.NO.19555 OF 2017

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.P.S.Dani, Senior Advocate, a/w Kapil More, M.A.Saldhana I/b Vigil Juris for the Appellant Applicant

Mr.Rajesh Dubey a/w Ms Sakshi Sharma I/b M.S.Bodhanwala for respondent No.1

Mr.V.Mannadiar I/b Mannadiar & Co. for respondent No.2

Mr.Pranay Kamdar I/b Wadia Ghandy for the Respondent No.3.

CORAM :K.K.TATED,J.

DATE : AUGUST 27, 2019

P.C.:

1 Heard learned Counsel for the Applicant.

2 By this Civil Application, Applicant Insurance Company is seeking condonation of 74 days delay in filing First Appeal challenging the Judgment and Decree dated 27th March 2017 passed by the City Civil Court, Mumbai in Suit No.4501 of 2009 (H.C.Suit No. 2832 of 2009).

3 The Advocate for the respondent No.1 vehemently opposed the application. He submits that the applicant has not shown any explanation for delay. Hence, there is no question of allowing the application. If delay is to be condoned, the applicant may be directed to pay costs.

4 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.

5 Hence, the following order is passed:

a) Delay in filing First Appeal, is condoned.

b) Applicant to pay costs to the respondents as per the rules.

c) Civil Application stands disposed of accordingly. No order as to costs.

(K.K.TATED,J.)