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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 454 OF 2019
IN
FIRST APPEAL (ST.) NO. 19043 OF 2018

Panju Associates & Ors.

...Applicant/
Appellant

V/s.
Moiz A. Merchant & Ors.

...Respondents

Mr. Vatsal Shah i/by Mr. Manoj Nikose for the Applicant.

Mr Rupesh Mandhare i/by Mr. Sean Wassoodew for the Respondent
Nos. 8 and 9.

Mr. Mani Thevar a/w Mr. Chetan Mehdadkar i/by M/s.Mahesh Menon
& Co. for the Respondent Nos. 16, 17 and 18.

CORAM : R.D. DHANUKA, J.
DATE : 11TH NOVEMBER, 2019.

P.C. :-

1. There is delay of 30 days in filing the first appeal. Mr.Shah, learned counsel appearing for the applicant tenders affidavit of service and would submit that except the respondent no.10, all other respondents are served. The respondent no.10 had not even appeared before the learned Trial Court. Affidavit of service is taken on record. Learned counsel appearing for some of the respondents who are present in Court today have no objection if the delay of 30 days in filing the first appeal is condoned. No affidavit in reply has been filed.

2. I have heard the learned counsel appearing for some of

the respondents and have perused the averments made in the civil application. The delay is sufficiently explained in paragraphs 2 and 3 of the civil application. The reasons recorded in paragraphs 2 and 3 of the civil application are accepted. The case is made out for condonation of delay of 30 days in filing the first appeal.

3. The civil application is made absolute in terms of prayer clause (a). If there are any other office objections, the same shall be removed within two weeks from today. If all the office objections are removed, place the first appeal on board for admission on 11th December, 2019.

(R.D. DHANUKA, J.)