

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

**CIVIL APPLICATION NO. 3282 OF 2019
IN
FIRST APPEAL (STAMP) NO. 19830 OF 2019**

The Mantralaya Central Consumer Co-operative
Wholesale and Retail Stores Ltd.

... Applicant

V/s.

Food Corporation of India and Ors.

... Respondents

Mr. Pravin G. Sawant, Advocate for Applicant.

**CORAM : K. K. TATED, J.
DATED : 11th OCTOBER, 2019**

P.C.:

1. Heard Learned counsel Mr. Pravin G. Sawant for Applicant.
2. By this Civil Application, the Applicant/Original Defendant no. 1 is seeking condonation of 3 years and 186 days delay in filing the First Appeal challenging the Judgment and Decree dated 7th December, 2015 passed by City Civil Court at Bombay in Suit No. 9614 of 1990 (High Court Suit NO. 380 of 1990).
3. The learned counsel for applicant submits that, for want of financial assistance it remained on the part of applicant to file First Appeal. He submits that, the applicant is small association of members.

There are hardly less than 600 members. He submits that, for want of financial assistance it remained on their part to file First Appeal immediately. In support of his contention, the learned counsel for applicant relies on para 4,5 and 6 of Civil Application.

4. The learned counsel Mr. Pravin G. Sawant for applicant submits that, they have a good chance of success in the present matter. He submits that, if delay is not condone, irreparable loss will cause to them. He submits that, this Hon'ble Court be pleased to condone the delay and matter to be heard on its merits.

5. It is to be noted that, in the present proceeding though the impugned judgment and decree was passed on 7th December, 2015, applicant applied for certified copies on 4th June, 2019 and same was ready on 26th June, 2019. Thereafter the applicant filed the present First Appeal in this Court on 9th July, 2019. In entire Civil Application, there is no explanation, why the applicant took near about 3 years in applying for certified copies of impugned Judgment and Decree. Apart from that, financial crisis cannot be a ground for condonation of delay in present case. In view of these facts, I do not find any substance in the present Civil Application. Hence, following order.

ORDER

Civil Application for condonation of delay stands rejected.

(K.K.TATED, J.)