

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

**CIVIL APPLICATION NO. 3133 OF 2019
IN
FIRST APPEAL NO. 1031 OF 2017**

The Manager,
Thane Municipal Transport

..... Applicant.

Vs.
Kamal Sadashiv Patil & Ors

..... Respondents.

.....
Mandar Limaye for the Applicant.
S. P. Shetty I/b Deepti Mistry for Respondents.

.....
CORAM : K.K.TATED, J.
DATED : SEPTEMBER 17, 2019

PC.

1 Today the matter is shown on production board pursuant to the praecipe dated 16/09/2019 filed by the advocate for the Applicant for urgent orders.

2. By this Civil Application, the Applicant is seeking condonation of 47 days delay in filing the Civil Application to set aside the conditional order dated 6th June, 2019 passed by the Learned Registrar (Judicial -II) by which the First Appeal stood dismissed against Respondent Nos. 1 to 3.

3. The Learned Counsel appearing on behalf of the Applicant submits that, it remained on their part to take an appropriate steps against Respondent Nos. 1 to 3. He submits that now Advocate Mr. Shetty has filed Vakalatnama on behalf of Respondent Nos. 1 to 3.

4. The Learned Counsel Mr. Shetty for Respondent Nos. 1 to 3 submits that he has no objection if the Civil Application is allowed.

5. Considering the submission made by Learned Counsel for the Applicant and the averments made in Civil Application, I am satisfied that the Applicant has made out case for allowing the present Civil Application. Hence, the following order:

a. The Civil Application is allowed in terms of prayer clause (a) and (b) which reads thus:

“a. that the delay of 47 days in filing the present Civil Application be condoned.

b. that the order dated 06-06-2019 passed by the Ld. Registrar (Judicial-II) be quashed and set aside and the appeal be heard on merits.”

b. Learned Counsel Mr. Shetty waives service on Respondent Nos. 1 to 3 in First Appeal No. 1031/2017.

c. The Civil Application stands disposed of accordingly.

d. No order as to costs.

(K.K.TATED, J.)