

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

**CIVIL APPLICATION NO.286/2019
IN
CIVIL APPLICATION NO.96/2019
IN
CIVIL APPLICATION (ST)NO.20443/2018
IN
FIRST APPEAL NO.109/2007**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Advocate Mrs.Sapna Rachure for applicant.
None for Respondent.

**CORAM : K. K. TATED, J
DATE : AUGUST 5, 2019.**

P.C.:

Not on board. At the request of learned advocate for applicants matter taken on production board for urgent orders.

2 Heard learned Advocate Mrs.Sapna Rachure for applicant.

3. Learned Advocate for applicant submits that

this Court by Order dated 02/04/2019 directed the applicant to file affidavit of service in Civil Application (Stamp) No.20443/2018 within one week. Last date for filing affidavit of service was 9.4.2019. Order dated 2.4.2019 was uploaded on 11.4.2019. Hence, it remained on their part to comply the said order. She submits that, they filed affidavit of service on 16.4.2019. In support of his submissions, she relies on status on page no.13.

4 Learned advocate for applicant submits that in the interest of justice, this Court be pleased to condone delay in filing affidavit in service and direct the Registry to accept the same.

5. Considering the submissions made by learned counsel for applicant and the averments made in civil application, I am satisfied that applicant has made out a case for following order.

A)Civil application is allowed in terms of prayer clause (a) and (b) which reads thus;

a)That the delay of 79 days in filing the affidavit of service as directed by Order dated 2nd April 2019 may kindly

be condoned.

*b)That the department may kindly be
directed to accept the same and restore
Civil Application (stamp)
No.20443/2018.*

B) Civil application disposed of.

C) No order as to cost.

(K.K.TATED, J.)