

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

**CIVIL APPLICATION NO.2746 OF 2019
IN
FIRST APPEAL (ST.) NO.21750 OF 2019**

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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Mr.Ashwin Rana for the applicant

Mr.Santosh Parad for the respondent

**CORAM : K. K. TATED, J
DATE : AUGUST 7, 2019**

P.C.:

. Leave to amend. Amendment be carried out during the course of the day.

2 Heard.

3 By this Civil Application Applicant original claimant is seeking condonation of 76 days delay in filing First Appeal challenging the judgment and decree dated 16.04.2019 passed by Bombay City Civil Court at Bombay in L.C.Suit No.2350 of 2008 dismissing appellant

original plaintiff's Suit challenging the notice issued by respondent Corporation under section 351 of the Mumbai Municipal Corporation Act, 1880 dated 10.9.2008 and order dated 10.10.2008.

4 The learned counsel for the Applicant submits that though the judgment and decree was passed by Trial Court dated 16.4.2019, he filed application for certified copies on 25.6.2019 because of family problem. He submits that Applicant's family member was not well during this period and he was busy. Therefore, it remained to file First Appeal within stipulated time. He submits that Applicant has good chance of success in the present matter. He submits that in the interest of Justice, this Hon'ble Court be pleased to condone the delay in filing First Appeal and matter be heard on its own merits.

5 On the other hand, the learned counsel for the Respondent vehemently opposed the present Civil Application. He submits that Applicant has not shown sufficient cause for condonation of delay. He submits that though the judgment and decree passed by Trial Court on 16.4.2019, they applied for certified copy on 25.6.2019. He submits that there is no explanation why Applicant took more than 2

months applying for certified copy. Hence, there is no substance in the present Civil Application and same is required to be dismissed.

6 Heard both the sides at length.

7 It is to be noted that in the present proceeding, the reason disclosed by the Applicant about ill health of his family member, is sufficient to condone the delay of 76 days in filing First Appeal. Hence, following order is passed:

- a. Delay in filing First Appeal is condoned.
- b. Civil Application stands disposed of accordingly.
- c. No order as to costs.

(K.K.TATED, J.)