

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

**CIVIL APPLICATION NO. 4245 OF 2016
IN
FIRST APPEAL (ST.) NO. 24931 OF 2016**

Nakhuda Mohammed Ali Rogay
s/o. Nakhuda Mohammed Ameen Rogay .. Applicant
Vs.
Ibrahim Gulab Shaikh .. Respondent

Mr.B.G. Ligade I/b Drupad S. Patil, Advocate for applicant.

Mr.Ganesh Lambade I/b Prem S. Gidwani, Advocate for respondent.

**CORAM : N.J. JAMADAR, J.
DATE : 13TH MARCH 2019**

P.C.

1. Heard the learned counsel for the applicant and the learned counsel for the respondent.
2. This is an application for condonation of 13 days delay in preferring the appeal against the decree passed by the learned Ad-hoc Judge, City Civil Court, Bombay (C.R.No.4) on 5th May 2016 in Short Cause Suit No.2757 of 2010.
3. The applicant has averred that as the applicant is the trustee of the trust on whose behalf the suit was instituted and has to look after number of proceedings, he lost the track of the instant matter and therefore there was a delay in preferring the appeal.

4. The learned counsel for the respondent opposed the prayer for condonation of delay.

5. In the backdrop of the averments in the application and the fact that the suit was instituted on behalf of the charitable trust, it would be in the interest of justice to condone the delay and provide an opportunity to the applicant to assail the legality, propriety and correctness of the impugned decree, on merits.

6. Hence the application is allowed. The delay in preferring the appeal stands condoned. The appeal be registered.

7. The civil application is disposed of accordingly.

[N. J. JAMADAR, J.]