

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.103 OF 2016
IN
APPEAL FROM ORDER (STAMP) NO.27129 OF 2015

Alpa Shah Applicant
V/s.
Satish Yeshwant Kulkarni and Ors. Respondents

Mr. Girish S. Godbole, with Mr. Mandar Limaye, for the Applicant.

Mr. N.D. Jaywant for Respondent No.1.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 4TH FEBRUARY, 2019.

P.C. :

1. Heard learned counsel for the Applicant and for Respondent No.1.
2. This application is filed for condonation of delay in preferring the Appeal against the order dated 23rd April 2015 passed by the City Civil Court, Bombay, thereby making Notice of Motion No.198 of 2014, preferred in Suit No.3201 of 2008, absolute and thereby restraining the Applicant from creating third-party interest in the suit property or from parting with possession of the suit premises till disposal of the Suit.
3. Admittedly, the present Applicant has contested the said Notice of

Motion and only after she is heard, the order was passed in the presence of her counsel. Despite that, the only explanation given in paragraph No.5 of the Civil Application is that, she came to know about the same somewhere in the first week of August, 2015 and thereafter she contacted her Lawyer and applied for certified copy thereof.

4. Even for the sake of it, it is not stated that there was any fault on the part of the Advocate in communicating her the said order or there was any communication gap. In such situation, without disclosing any cause, much less, the sufficient cause, the delay of 130 days in preferring this Appeal cannot be condoned. Therefore, the Civil Application stands dismissed.

[DR. SHALINI PHANSALKAR-JOSHI, J.]