

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1715/2018
IN
CIVIL APPLICATION (ST)NO.31128/2016
IN
FIRST APPEAL NO.3/2009

Nitin Tukaram Gawankar Appellant.
Vs.
MCGM ... Respondents.

Advocate Mr.A.A.Siddiqui i/b AA Siddiqui & Associates for applicant.
Advocaet Mr. Vinod Mahadik for MCGM.

CORAM : K.K.TATED, J.
DATED : JULY 24, 2019.

P.C.

Heard learned counsel for parties.

2 By this civil application, applicant is seeking condonation of 180 days delay in filing civil application and to set aside order dated 24.02.2017 passed by Registrar (Judicial-II).

3. Learned counsel for applicant submits that inadvertently it remained on their part to remove all office objections. He submits that they have good chance of success. He submits that in the interest of justice, this court be pleased to allow the application. Applicant undertake to remove all office objections within 4 weeks from today.

4 On the other hand, learned counsel for

Respondent/Corporation vehemently opposed present application. He submits that applicant has not shown sufficient cause for condonation of 180 days delay in filing civil application.

5 Heard learned counsel for parties.

3 Considering the submissions made by learned counsel for applicant and the averments made in civil application, and as applicant undertakes to remove all office objections within 4 weeks from today, I am satisfied that applicant has made out a case for following order.

- a) delay in filing civil application is condoned.
- b) Order dated 24.2.2017 passed by Registrar, Judicial- II is set aside.
- c) Civil application (stamp) no.31128/2016 is restored on file for hearing on its own merits.
- d) Applicant to remove all office objections in civil application (stamp)no.31128/2016 on or before 31.8.2019 failing which civil application shall stand dismissed without referring back to the court.
- e) Civil application disposed of.
- f) No order as to cost.

(K.K.TATED, J.)

