

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

**CIVIL APPLICATION NO.1805 of 2015
IN
FIRST APPEAL (ST) NO. 26257 OF 2014**

Kailashchandra Gulabchandra Agarwal .. Applicant

Versus

The Municipal Corporation of Greater
Bombay and Anr. .. Respondents

...

None for the Applicant.

Ms. Oorja Dhand for the Respondents.

**CORAM: BHARATI DANGRE, J.
DATED : 29th AUGUST, 2019.**

P.C:-

1. None for the applicant.
2. Perused Civil Application No. 1805/2015. The applicant who had filed Long Cause Suit No. 1013 of 2007 in the Bombay City Civil Court at Mumbai, assailing the notice issued u/s. 351 of the Mumbai Municipal Corporation Act, dated 23rd February, 2006 and 9th March, 2007 respectively, is aggrieved by the dismissal of the suit on 22nd July, 2014. He has therefore, approached this Court assailing the said judgment by filing the First Appeal. Alongwith First Appeal he has moved the

application seeking condonation of delay of 16 days in presenting the said appeal.

3. In absence of the applicant and his counsel, I have perused the application. The reasons that emerged from the said application are to the effect that after matter was dismissed on 22nd July, 2014, the applicant was in some personal difficulty and he was not able to contact any new lawyer whom he intended to engage. The application further proceeds to state that Advocate on record had proceeded to his native place to attend his ailing mother and hence, appeal could not be prepared and ultimately this has occasioned the delay of 16 days.

I am satisfied that the applicant had shown sufficient cause for condoning the delay and in any case, the delay is of very short time i.e. 16 days. In such circumstances, I am inclined to allow the said application. Accordingly, Civil Application No. 1805/2015 is allowed in terms of the prayer clause (a). The First Appeal No. 26257/2014 is directed to be registered. Upon such registration, the Registry is directed to issue notice to the respondent No. 1 and 2 viz. Municipal Corporation of Greater, Mumbai, returnable after 4 weeks.

SMT. BHARATI DANGRE, J