

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.456/2018
in
First Appeal (ST) No.19116/2017

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. Anupam Surve a/w. Mr. Parth Mayekar I/b. M/s. M.P.Raje & Co. for the Applicant

Mr. Keshav Borhade I/b. Shelke & Co. for the Respondent

CORAM: K.K.TATED, J.
DATED : AUGUST 28, 2019

P.C.

1 Heard. This Application is for condonation of 61 days delay in preferring the appeal challenging the judgment and decree dated 16.03.2017 passed by the Bombay City Civil Court at Mumbai in Summary Suit No.7473/2002.

2 The learned counsel for the Respondent - Plaintiff has vehemently opposed the Civil Application. He submits that the Applicant has failed to show sufficient cause for condonation of delay. He submits that in entire Application the Applicant has not shown as to why there is delay in making the

Application for certified copy. There is no substance in the Civil Application. Same may be dismissed with costs.

3 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application. At the same time, the Applicant has to pay cost of Rs.750/-.

3 Hence, following order is passed:

- a. Delay in filing the First Appeal is condoned.
- b. The Applicant to pay cost of Rs.750/- to the Respondent or their Advocate on or before 13.09.2019 and place a receipt thereof on record failing which the Civil Application shall stand dismissed without further reference to the court.
- c. The Civil Application stands disposed of accordingly.
- d. No order as to costs.

(K.K.TATED, J.)