

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

Civil Application No. 189/2018  
with  
Appeal from Order (ST) No. 28592/2017

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| 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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Mrs. Madhuri More for the Applicant

**CORAM : K.K.TATED, J.**  
**DATED : APRIL, 8, 2019**

**P.C.**

Heard. By this Civil Application, the Applicant is seeking condonation of 2 years and 158 days delay in filing the Appeal challenging the order dated 12.02/07.03.2015 passed by the Bombay City Civil Court, Mumbai in Notice of Motion No.3375/2014 in L.C.Suit No.2467/2014.

2 The learned counsel for the Applicant submits that the concerned advocate was over-burdened with the constant flow of the cases. Hence, there was delay on their part to take steps to prefer the appeal. Para 4 and 5 of the Civil Application read thus:

*4. The order was passed on 12.02.2015 and 17.03.2015. The Application for certified copy was made on 25.03.2015 and the certified copy was received on 07.04.2015. The said*

*delay is due to procedural delay (such as typing work of brief etc.) The Applicants submit that the delay caused is due to the fact that the Applicants advocate is overburdened with the constant flow of the cases and has to attend the court every day apart from drafting the written statement / affidavits in the matters including the urgent matters. The Applicants submit that as the Respondents herein had violated the injunction order dated 12.10.2014, so the Applicants herein had filed contempt Notice of Motion . Hence, this Hon'ble Court is requested to condone the delay in filing the appeal which is unintentional. The Applicants submit that they have a good case on merits and have every chance of succeeding in the present appeal and hence this Hon'ble Court is requested to condone the delay in filing the appeal which is unintentional.*

*5 The Applicants submit that there was no intentional delay on the part of lodging the same. The Applicants state that they are enacted and formed for the benefit of public at large and therefore if the delay is not condoned, the Applicants would have to suffer irreparable loss, hardship. The Applicants submit that they have good case on merit and further submit that by condoning the delay, no prejudice would be caused to the Respondents. The Applicants state that it is therefore, necessary in the interest of justice and in the interest of public at large, to condone the delay of 2 years 158 days in filing the appeal. The Applicants state that they have an excellent chance of succeeding in the present appeal.”*

3 The learned counsel for the Applicant submits that the Applicant has good chance of success. He submits that if the delay is not condoned, irreparable loss will be caused to the Applicant. On the basis of this submission, the learned counsel for the Applicant submits that the delay in preferring the Appeal may be condoned.

4 Bare reading of the Civil Application shows that just because of over-burden of the concerned advocate, there was delay on the part of the Applicant to file the present Appeal from Order.

5 It is to be noted that the Applicant is a Corporation and they have separate legal department. Therefore, this cannot be a ground for condonation of inordinate delay.

6 Hence, the following order is passed:

- a. The Civil Application stands rejected.
- b. In view thereof, the registration of the Appeal from Order stands rejected.
- c. No order as to costs.

**(K.K.TATED, J.)**