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

**CIVIL APPLICATION NO. 4303 OF 2015
IN
FIRST APPEAL (ST) NO. 34718 OF 2014**

Sai Enclave Cooperative Housing SocietyApplicant
Ltd.

V/s.

Mr. Suresh Shankar Mestry and othersRespondents

Mrs. Manjiri S. Parasnis for the applicant

CORAM : K. K. TATED, J.

DATE : APRIL 11, 2019.

P.C.

Heard the learned counsel for the applicant.

2 By this Civil Application, applicant-original plaintiff is seeking condonation of delay of 59 days in filing the First Appeal challenging the Judgment and Decree dated 29/09/2014 passed by City Civil Court, Dindoshi at Mumbai in S.C. Suit No. 1605 of 2009.

3 Office note shows that Civil Application is dismissed against

respondent nos. 6, 10 & 11 vide order dated 05/01/2017 and against respondent no. 3 abates as per order dated 17/11/2016 passed by the learned Registrar (Judicial-II). Hence, Registry is directed to make appropriate noting in First Appeal i.e. First Appeal stand dismissed against respondent nos. 3, 6, 10 & 11.

4 Considering the submissions made by the learned counsel for the applicant and averments made in Civil Applications, I am satisfied that applicant has made out case for allowing Civil Application. Hence, following order.

- (I) Delay of 59 days in filing the First Appeal is condoned.
- (II) Registry to make appropriate noting in First Appeal memo that appeal against respondent nos. 3, 6, 10 & 11 stand dismissed.
- (III) Civil Application stands disposed of accordingly.
- (IV) No order as to costs.

[K. K. TATED, J.]