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

**CIVIL APPLICATION NO. 4302 OF 2015
IN
FIRST APPEAL (ST) NO. 34720 OF 2014**

Sai Enclave Cooperative Housing SocietyApplicant
Ltd.

V/s.

M/s. Shivram Builders 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 Office note shows that Civil Application is dismissed against respondent nos. 1 & 2 vide Registrar (Judicial – II) order dated 05/01/2017. Hence, Registry is directed to make appropriate noting in First Appeal that same stand dismissed against respondent nos. 1 & 2.

3 Though other respondents are duly served, no one appeared on behalf of them when the matter is called out.

4 By this Civil Application, applicant-original plaintiff is seeking condonation of 30 days delay 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. 3354 of 2005.

5 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 in filing the First Appeal is condoned.
- (II) Civil Application stands disposed of accordingly.
- (III) No order as to costs.

[K. K. TATED, J.]