

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1018 OF 2019
IN
FIRST APPEAL (STAMP) NO.5204 OF 2019
ALONG WITH
FIRST APPEAL (STAMP) NO.5204 OF 2019
AND
CIVIL APPLICATION NO.1019 OF 2019

Municipal Corporation of Greater

Mumbai

..

Applicants

Vs.

Rutuja Sudhir Chavan

..

Respondent

...

Ms. Sheetal Mane for the Applicants.

Mr. P.J. Thorat for the Respondent.

...

CORAM: SMT. BHARATI DANGRE, J.

DATED : 09TH MARCH, 2020.

P.C:-

1. The present Civil Application seeks condonation of delay of 89 days in filing the First Appeal challenging the Order dated

24/09/2018 passed by the Bombay City Civil Court thereby decreeing the suit and restraining the Corporation from implementing the notice issued under Section 314 of the Mumbai Municipal Corporation Act.

2. Heard learned counsel for the Applicants and perused the Application.

3. Paragraph No.4 of the Civil Application contains the reason in support of the condonation of delay and it is stated that the panel advocates of the Corporation being over-burdened with the court work and inadequacy of staff to initiate prompt proceedings are the reasons in condoning the delay. The *bona fides* are thus sought to be justified in paragraph No.4 and on consideration of the said reason, it appears to be a justifiable explanation for not approaching the court within the period of limitation.

4. The delay is of 89 days and as sufficient cause is shown to condone the same, the same is condoned. Civil Application is allowed in terms of prayer clause (a). First Appeal is directed to be registered and taken up for admission forthwith.

5. Heard learned counsel for the parties on Admission of the Appeal.

6. On considering the grounds raised in the Memo of Appeal, the First Appeal deserves consideration and, hence, Rule. Learned counsel waives notice for the sole Respondent.

7. Since the Appeal is admitted learned counsel for the Appellant does not press for hearing of the Civil Application No.1019 of 2019. The same is accordingly dismissed.

[SMT. BHARATI DANGRE, J.]