

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO. 576 OF 2018
IN
APPEAL FROM ORDER NO. 713 OF 2008**

Sahid Ahmmad Shamiulla Ansari & Ors. ..Applicants

V/s.

Mohammad Hasan Malbari & Ors. ..Respondents

Mr. Shyam Singh i/b Mr. P.J. Thorat, Advocate for the Applicants.

CORAM: A.S. GADKARI, J.

DATE : FEBRUARY 20, 2020.

PC.:-

. This is an application for condonation of delay of 9 years and 267 days in filing the present application. The note put up by Registry mentions that, Respondent Nos.1 to 8 are duly served in the matter.

2. Mr. Shyam Singh, learned counsel appearing for the applicants submitted that, due to inadvertence of the concerned Advocate, necessary steps to serve the unserved Respondents could not be taken within the period stipulated by Order dated 3rd October, 2008 and

therefore, appeal stood dismissed on 10th November, 2008 without further reference to the Court.

3. Perusal of application would indicate that, sufficient cause is made out for condonation of delay. In view therefore the delay is condoned, subject to condition that, the applicants shall pay a costs of Rs.6,000/- to the High Court Legal Services Committee, Mumbai having its account in the name of “High Court Legal Aid Fund” within a period of two weeks from today. It is made clear that, payment of costs shall be condition precedent for condonation of delay and restoration of Appeal from Order.

4. In view of the above, application is allowed in terms of prayer clauses (a) and (b).

(A.S. GADKARI, J.)