

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

**INTERIM APPLICATION NO.760 OF 2021
IN
FIRST APPEAL (ST) NO. 2173 OF 2020**

Union Bank of India	... Applicant
<u>In the matter between :-</u>	
Union Bank of India	... Appellant
Vs.	
Smt. Suman Agarwal	... Respondent

**WITH
INTERIM APPLICATION NO.820 OF 2021
IN
FIRST APPEAL (ST) NO. 2167 OF 2020**

Union Bank of India	... Applicant
<u>In the matter between :-</u>	
Union Bank of India	... Appellant
Vs.	
Smt. Suman Agarwal	... Respondent

Mr. Jamshed Ansari for the Applicant/Appellant in both IAs.
Mr. Sushil Upadhyay i/by A.M. Saraogi for the Respondent in both IAs.

CORAM: ABHAY AHUJA J.

DATE : 17TH AUGUST, 2021

P.C.:

1. Heard learned counsel for applicant/appellant and respondent in both the matters.

2. It is submitted on behalf of the applicant/appellant that the delay of 45 days in filing the appeal against order dated 14th October, 2019, passed in Suit No.7702 of 1998 by the learned Judge, City Civil Court at Mumbai, is bonafide, as the applicant/appellant was under an impression that for the purpose of filing appeal to the Hon'ble High Court, Article 116(a) of the Limitation Act, 1963 would be applicable and the time period for filing the appeal would be 90 days. However, learned counsel concedes that since under Section 15 of the Bombay City Civil Courts Act, 1948, the period for filing an appeal is 30 days, it has resulted in a delay of 45 days in filing of the present appeal. In this view of the matter, learned counsel for the applicant/appellant submits that the delay be condoned.

3. Having heard learned counsel for the parties and perused the application, this Court is of the view that the applicant/appellant has made out a case for sufficient cause for condonation of delay. Accordingly, the delay of 45 days is hereby condoned.

4. Registry is directed to register the First Appeal.

5. List the First Appeal for admission on 16/09/2021.
6. Learned counsel for respondent waives service of notice.
7. Interim application is accordingly disposed of.

(ABHAY AHUJA, J.)

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PARANJAPE

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Date: 2021.08.17
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