

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL WRIT PETITION NO. 2310 OF 2022**

Godrej And Boyce Mfg. Co. Ltd.

... Petitioner

V/s.

Mumbai Municipal Corporation

... Respondent

Mr. Tejas Deepak Deshmukh for Petitioner.

Mr. Om Suryawanshi for Respondent.

CORAM : A.S. GADKARI, J.

DATE : 8th March 2022.

PC. :

1. By the present Petition, the Petitioner has impugned Order dated 10th December 2021 passed in MARJI NO. 242 of 2021 in Municipal Appeal (St.) No. 1325 of 2020 by the learned Additional Chief Judge of the Court of Small Causes at Mumbai, thereby rejecting the said application for condonation of delay of 488 days in filing the said appeal under Section 217 of the Mumbai Municipal Corporation Act (for short, 'the said Act').

2. Heard Mr.Deshmukh, learned counsel for the Petitioner and Mr.Suryawanshi, learned counsel for Respondent-Corporation. Perused record.

3. It clearly appears from the record that, the Trial Court did not give benefit of the common Order passed by the Hon'ble Supreme Court and Full Bench of this Court thereby extending the period of limitation in filing appeal or any other proceedings during the pandemic period, to the Petitioner.

4. Mr.Deshmukh, learned counsel for the Petitioner submitted that, after taking into consideration the said benefit of of 263 days, there remains only of 225 days of delay in preferring the said appeal. He submitted that, if the said delay is not condoned, the Petitioner would loose its right to prefer an appeal against fixing of ratable value of its property by the Respondent-Corporation. He fairly submitted that, in the event this Court is inclined to condone the said delay, the Petitioner is ready and willing to pay reasonable cost.

5. In view thereof and in the interest of justice, I am inclined to condon the delay of 225 days in preferring the said appeal, subject to condition that, the Petitioner shall pay a cost of Rs.25,000/- to Kirtikar Law Library, High Court, Mumbai. Said cost be paid to the said Library within a period of three weeks from today. Subject to payment of cost, delay is condoned and impugned Order dated 10th December 2021 is set-aside by condoning the delay caused in preferring the said appeals.

6. It is needless to mention that the learned Judge of the Small Causes at Mumbai while entertaining the Appeal, will be at liberty to impose necessary and relevant conditions upon the Petitioner, as contemplated under Section 217 of the said Act.

7. Petition is allowed in the aforesaid terms.

[A.S. GADKARI, J.]