

Sonali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 602 OF 2017
IN
FIRST APPEAL (ST) NO. 28956 OF 2016

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Date: 2022.05.18
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Nishiland Park Limited

...Applicant

Versus

Mr. Parul Prakash Mehta

...Respondent

None for the Applicant.
None for the Respondent.

CORAM Madhav J. Jamdar, J.
DATED: 21st April 2022

PC:-

1. None appears for the Applicant and for the Respondent.

2. This Civil Application is filed for condonation of delay of 62 days in filing the First Appeal challenging the judgment and decree dated 29th June, 2016 passed by the learned Judge, City Civil Court, Greater Bombay in Summary Suit No.3250 of 2011.

3. It is stated in the Civil Application that the Applicant applied for the certified copy of the impugned judgment and decree dated 29th June, 2016 on 4th July, 2016 and the same was ready on 14th July 2016. It is further stated that the Appeal was filed on 10th October, 2016. It is stated in the application that the learned Advocate appearing for the Applicant was under the impression that the limitation for filing Appeal is 90 days as provided by Rule 116(a) of the Limitation Act, 1963. However, as per Section 15(2) of the Bombay City Civil Court Act, 1949, the limitation is 30 days and therefore, there is delay in filing the Appeal.

4. Although the sole Respondent is duly served, Affidavit-in-Reply is not filed. Therefore, the contentions raised in the Civil Application have remained uncontroverted.

5. Today none appears for the Applicant as well as the Respondent. However, as there is sufficient cause shown for the reasons set out in the Civil Application, the Civil Application is allowed in terms of prayer clause (a).

6. The Civil Application is disposed of in the above terms.

(Madhav J. Jamdar, J.)