

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1080 OF 2019
IN
APPEAL FROM ORDER (ST.) NO. 6321 OF 2019
IN
NOTICE OF MOTION NO. 1909 OF 2017
IN
L.C. SUIT NO. 1320 OF 2015**

The Municipal Corporation of
Greater Bombay

**...Applicant
(Orig.Defendant)**

V/s.

Shri. Dilipkumar Sukanchand Jain

**... Respondent
(Orig. Plaintiff)**

...

Mr. Ravindra Sirsikar, Advocate for the applicant.

Mr. Suraj Kudalkar, Advocate for the respondent.

CORAM : SANDEEP K. SHINDE J.

DATE : WEDNESDAY, 4TH MAY, 2022.

P.C. :

- 1.** Heard learned Counsel for the parties.
- 2.** This application seeks condonation of 48 days delay

occurred in filing the Appeal from Order against the order dated 16th November, 2018. In consideration of the reasons set out in paras-2 and 3 of the application, the delay is condoned. The application is allowed and made absolute in terms of prayer clause (a).

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3. Learned Counsel for the respondents, on instructions, submits that in the suit, the parties have led evidence. In that view of the matter, Mr. Sirsikar, shall take instructions, whether Corporation would still insists to pursue the Appeal. The Civil Application is disposed of in the aforesaid terms.

4. It is made clear, that this Court has not stayed the proceedings in the suit.

5. List the Appeal and Civil Application (St.) No. 6325/2019 for consideration on 4th July, 2022.

(SANDEEP K. SHINDE, J.)