

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

**CIVIL APPLICATION NO.4188 OF 2018
IN
FIRST APPEAL (STAMP) NO.28038 OF 2018**

Mr. Jeffrey Verya S/o. Late Jhonny Verya ...Applicant

Versus

Municipal Corporation of Greater
Bombay and Anr. ...Respondents

....

Mr. Amit Dubey i/b. Mr. A.M. Saraogi for the Applicant.
Mr. Santosh Parad for Respondent No.1.

CORAM : ANIL S. KILOR, J.

DATED: 28th JANUARY, 2022.

P.C.:-

1. Heard Mr. Dube, learned counsel for the Applicant and Mr. Santosh Parad, learned counsel for Respondent No.1. None for the Respondent No.2, though served.

2. Learned counsel for the Applicant submits that there is a delay of 29 days in filing the First Appeal challenging the judgment and decree dated 28/06/2018 passed by the learned Ad-hoc Judge, City Civil Court and Asstt. Sessions Judge, Dindoshi, Mumbai in L.C. Suit No.769 of 2009.

3. It is submitted that due to personal difficulty of the Advocates of the Applicant, the appeal was not filed within time though the papers were handed over by the Applicant to his Advocate within time. Thus, it is submitted that for the mistake of the Advocate, the client should not suffer.

4. Mr. Parad, learned counsel for Respondent No.1 opposes the application.

5. After going through the application and the reasons stated therein, more particularly in absence of any reply opposing or disputing the facts stated in the application, I am of the opinion that sufficient cause has been shown in the application for condonation of delay. Accordingly, I pass the following order:-

ORDER

- i) The Application for condonation of delay is allowed.
- ii) The delay caused in filing First Appeal is condoned.

The office is requested to register the First Appeal and place the same before the Court for admission.