



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 868 OF 1996

The Hon. Secreatary, Shah And Nahar
Industrial Premises (A-2) Cooperative
Housing Society Ltd.

... Appellant

Versus

Municipal Commissioner Of
Greater Bombay And Ors.

... Respondents

.....

Ms. Priya Rombade i/b Bharat Joshi, for the Appellant.

Mr. B. M. Chatterji, Senior Advocate a/w Santosh Parad and Udayan
Mukherjee, for the Respondent-MCGM.

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 1st SEPTEMBER, 2023.

P.C.

On 19th October, 2022, this Court (Coram: Smt.Anuja
Prabhudesai, J.), has passed the following order:

“. Learned counsel for the Respondent –
Corporation states that the Appeal was filed
beyond the period of limitation and seeks time to
verify the records and file an Application under
section 5 of Limitation Act, if necessary.

2. Stand over to 21/11/2022.”

2 On 2nd February, 2023, Counsel for the appellant sought adjournment on the ground of personal difficulty of the Advocate. The matter was adjourned by way of last chance.

3 On 23rd February, 2023, the appellant's Counsel sought adjournment on the ground to ascertain as to whether the First Appeal is barred by the limitation. Thereafter, no effective steps appears to have been taken by the appellant. However, on 6th July, 2023, none appeared for the appellant. Till that date there was no application seeking condonation of delay was filed. Despite granting last chance on 2nd February, 2023, the appellant did not proceed further and, therefore, the Appeal was listed "For Dismissal" on 4th August, 2023.

4 On 4th August, 2023, this Court has passed the following order.

“ 1. Learned Counsel for the appellant has tendered an order of the Sub-Registrar Co-operative Societies wherein under Section 77A of the Maharashtra Co-operative Societies Act, an Administrator has been appointed *qua* the appellant.

2. Learned Counsel for the appellant submits that there is no member of the Managing body. She, therefore, seeks 4 weeks time to make an application seeking condonation of delay.

3. Having considered the fact that the appeal is of 1996, by way of indulgence, list on **1st September, 2023.**

4. It is made clear that no further adjournment will be granted on any ground.”

By way of indulgence, making it clear that there shall be no further adjournments.

5 Learned Counsel for the appellant again seeks time today under the pretext that since she has filed Interim Application seeking condonation of delay but could not get the lodging number.

6 The Appeal is of 1996. It appears that the appellant is not interested in prosecuting the Appeal, instead, seeking adjournments since last 27 years.

7 The limitation as per Section 218(D) of the Mumbai Municipal Act is one month from the date of the decision of the Chief Judge. The Appeal is, therefore, hopelessly barred by limitation.

8 For all these reasons, the Appeal is dismissed with costs of Rs.10,000/- to be deposited in this Court within two weeks from today.

9 Pending applications, if any, stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]