

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

**INTERIM APPLICATION NO.7114 OF 2024
IN
FIRST APPEAL STAMP NO.8501 OF 2024**

Shri. Mohammad Yunus Shaikh ..Applicant/Appellant
Versus
Shri. Deepak S/o Nago Patil & Anr. ..Respondents

Mr. Atmaram Patade a/w Shikha Raniwala, Suraj Naik, Shalaka Shinde, Pranav Manjrekar, Aryya Shirodkar & Rohit Rao i/by Atmaram Patade, for the Applicant/Appellant.

Mr. Santosh Parad, for the Respondent/MCGM.

Shri. Deepak Nago Patil, Respondent No.1(original Plaintiff) – present.

CORAM : KISHORE C. SANT, J.

DATE : 27th MARCH, 2024

PC.

1. Heard learned advocate for the Applicant and learned advocate the Respondent/Corporation.

2. Respondent No.1 is present in person. He seeks sometime to engage a lawyer. Heard this Application, as it is only for condonation of delay. There is delay of 198 days caused in filing the Appeal challenging the judgment and order passed by Adhoc Judge, City Civil Court, Greater Mumbai dated 31st August, 2022 in Long Cause Suit No.2400 of 2013.

3. Learned advocate for the Corporation vehemently opposes the Application. He submits that in fact the Appeal is filed raising challenge even to a notice issued by the Corporation under Section 351 of the Bombay Municipal Corporation Act. He submits that there is no sufficient cause made out even for condonation of delay. It is only because now the Corporation has issued notice, the Appellant has filed this Application. He thus prays for rejection of Application with heavy cost.

4. Since the Applicant/Appellant is also pressing for stay, this Court is considering this Application for condonation of delay, though Respondent No.1 seeks time.

5. This Court has gone through the Application and heard the Applicant/Appellant. It is the submission of the Applicant that pursuant to the impugned judgment and order now the Corporation is taking action. Considering the above, this Court is inclined to allow the Application.

6. The Application is allowed. Delay stands condoned.

7. The Application stands disposed of.

[KISHORE C. SANT, J.]