

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.10664 OF 2024

IN

FIRST APPEAL (ST) NO.18261 OF 2024.

Mr. Rodilal Nathuji Patel

...Applicant.

Versus

Designated Officer, Asst. Engineer (Maintenance),
Mumbai And Anr.

...Respondent.

Mr. Anand Giri for the Applicant .

Ms. Pallavi Khare for the respondent-BMC.

Coram : Sharmila U. Deshmukh, J.

Date : 24rd July, 2024.

P. C. :

INTERIM APPLICATION NO.10664 OF 2024

1. Interim Application has been preferred for condonation of delay of 20 days caused in filing the present First Appeal.
2. Learned counsel appearing for the applicant submits that there was delay of 20 days as the Trial Court had directed the respondent No.1-Corporation to take a decision on eligibility of appellant within a period of 15 days and the applicant was under impression that the Corporation would take a decision as directed. He submits that by reason thereof there has been delay in filing the present Appeal and same was filed by the applicant when he became aware that the

Corporation has no intention to decide the Application.

3. *Per contra*, learned counsel for respondent-Corporation would submit that there is no sufficient cause which has been tendered for condoning delay of 20 days.

4. For the reasons stated in paragraph Nos.5, 6 and 7 of the Application, delay of 20 days is condoned.

5. Interim Application is allowed.

FIRST APPEAL (ST) NO.18261 OF 2024.

6. By order dated 9th May 2024 passed in draft Notice of Motion, the City Civil Court has disposed of the Suit by directing the Corporation to decide Application of the plaintiff for eligibility for permanent alternate accommodation within 15 days. The order was passed on 9th May 2024 and till today no decision has been taken by the Corporation.

7. Learned counsel for the Corporation on instructions submits that within a period of 2 weeks, a decision will be taken on the eligibility.

8. List on **7th August 2024** under the caption "For Circulation"

[Sharmila U. Deshmukh, J.]