

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 9370 OF 2024.

IN

FIRST APPEAL (ST) NO. 2707 OF 2024.

Mr. Ramdev Rangappa Kulal

...Appellant/Applicant.

Versus

General Manager (Best), Mumbai And Anr.

...Respondents.

Mr. Sanjay Patekar i/by Mr. Avinash Kango for the Appellant/Applicant.

Ms. Heena Shaikh i/by M. U. Kini for the Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : January 3, 2025.

P. C. :

1. Interim Application has been preferred for condonation of delay of 80 days caused in filing the present Appeal.
2. Learned Counsel for the Applicant submits that the certified copy of the Judgment and decree was received on 8th November 2023, and the Applicant appearing-in-person was not aware of the procedure for receiving the certified copy and therefore there is delay in receiving the certified copy and consequently delay in filing the present appeal.
3. Learned Counsel for the Respondent would oppose the Application and would submit that proceedings were being prosecuted by the Applicant-in-person and therefore it cannot be said that he was

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unaware of the procedure. She submits that the property is owned by the BEST and the Applicant is trespasser who has been directed to be evicted by the impugned Judgment. She would further submit that the First Appeal itself is not maintainable, as he is already been evicted in the year 2008.

4. Before this Court the Application for condonation of delay is placed and the First Appeal has not yet been admitted. The delay is of period of 80 days and the reason given is as regards the late receipt of the certified copy of the Judgment and decree. As it is not disputed that the proceedings were being prosecuted by the Applicant-in-person it is plausible explanation that the Applicant was not aware of the procedure for receiving the certified copy and hence there is delay. The delay of 80 days is not such colossal delay that cannot be condoned in view of the Applicant's explanation tendered.

5. In light of the above, the Application is allowed and the delay stands condoned.

[Sharmila U. Deshmukh, J.]