

vat

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION No. 1217 OF 2015
IN
APPEAL (L) No. 437 OF 2015
IN
NOTICE OF MOTION No. 1405 OF 2013
IN
SUIT No. 703 OF 2013

Bell Finvest (India) LimitedApplicants

In the matter between

Bell Finvest (India) LimitedAppellants

Vs.

Subani Mahaboob Shaikh and Ors.Respondents

Mr. Kishor Tembe for Appellants/Applicants

None for Respondents

CORAM : V. M. KANADE
REVATI MOHITE DERE, JJ.

DATE : JANUARY 11, 2016

P.C. :

1. The Notice of Motion is taken out for condonation of delay of 22 days in filing the appeal.
2. It is submitted that Respondent No.1 has been served. However, the whereabouts of Respondent nos.2 and 3 are not known. The learned counsel for Respondent No.1 has also pointed out that he was not in a position to take instructions from Respondent No.1.
3. In this view of the matter, we are of the view that since the

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whereabouts of Respondent Nos.2 and 3 are not known, service of notice upon them is waived. Delay of 22 days in filing the appeal is condoned for the reasons stated in the affidavit in support of the notice of motion, Notice of Motion is allowed in terms of prayer clause (a) and disposed of.

4. Place the appeal on the Supplementary Board on 13th January, 2016.

[REVATI MOHITE DERE, J.]

[V. M. KANADE, J.]