

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

**CIVIL APPLICATION NO. 3523 OF 2018
WITH
CIVIL APPLICATION NO. 3524 OF 2018
IN
FIRST APPEAL STAMP NO. 32571 OF 2017**

Nishant Mitrasen Mahimtura and another ... Applicants

Versus

Rekha Vipin Khakhar and another ... Respondents

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Mr. P. S. Dani, Senior Advocate i/b Mr. Nitin Gangal, Advocate for the Applicants.

Ms Nupur J. Mukherjee a/w Kirtika S. Kothari, Advocates i/b M/s. N.N. Vaishnawa & Co. for the Respondent No.1.

Mr. R. A. Naik, Advocate i/b Mr. Umesh Mankapure, Advocate for Respondent No.2.

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CORAM : A. S. CHANDURKAR, J.

DATE : 5th DECEMBER, 2018.

P. C.:

CIVIL APPLICATION NO. 3523 OF 2018

1. Though the prayer for condoning the delay is opposed by the learned Counsel for the non applicants, considering the reasons mentioned, delay in filing the First Appeal stands condoned.

2. The civil application is allowed and stands disposed of.

FIRST APPEAL STAMP NO. 32571 OF 2017

1. Issue notice to the respondents, returnable on 16th January, 2019.
2. Learned Counsel waive notice for the respondents.

CIVIL APPLICATION NO. 3524 OF 2018

1. Issue notice to the respondents, returnable on 16th January, 2019.
2. Learned Counsel waive notice for the respondents.
3. Learned Counsel for the respondents on instructions state that till the returnable date no steps will be taken to execute the decree.

(A. S. CHANDURKAR, J.)