

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

**CIVIL APPLICATION NO. 536 OF 2018
WITH
APPEAL FROM ORDER (ST.) NO. 15929 OF 2017**

Dinshaw Dhanjishaw Jokhi	... Applicant
V/s.	
Kety Jokhi & Ors.	... Respondents

Ms. Firoza Kapadi i/b Mr. Sameer P. Khedekar for the Applicant.
Mr. Harish R. Pawar for Respondent No.1.

CORAM : K.K. SONAWANE, J.

DATE : 25th JULY, 2018.

P.C. :

1 Heard learned Counsel for the Applicant and learned Counsel for Respondent No.1. Learned Counsel for the Applicant submits that the notices of Petition and Appeal were already served to Respondent Nos.2 to 8 but they did not cause their appearance in this matter. Today also no one else appeared on behalf of Respondent Nos. 2 to 8.

2 The present Application is moved by the Applicant to condone the 38 days delay caused for filing the Appeal against impugned order dated 03.04.2017 in Notice of Motion No.4942 of 2015. In view of reasons

mentioned in the Application as well as no objection on the part of learned Counsel for Respondent No.1, there is no impediment to allow the application. Accordingly, Civil Application stands allowed in terms of prayer clause (a) and stands disposed of in above terms. Delay caused for presenting an Appeal is hereby condoned. Registry to take requisite steps for further process.

3 On registration of Appeal, issue notice of admission of Appeal to Respondents, returnable on 20.08.2018. Learned Counsel Mr. Harish Pawar waives service of notice for Respondent No.1.

4 In addition to the regular mode of service, the Appellant shall serve the notice to the Respondent Nos.2 to 8 privately by legally accepted fastest mode and file the affidavit of service of notice to Respondent Nos.2 to 8 on record with its tangible proof.

(K.K. SONAWANE, J.)

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