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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4322 OF 2016  
IN  
FIRST APPEAL NO.1276 OF 2012

|                                                                                                                                                           |                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| Baliram D. Shinde, since deceased<br>through his L.Rs. - Ujjwalabai Shinde,<br>since deceased through Her L. Rs. & Anr.<br>V/s.<br>Mukund B. Desai & Anr. | ...Applicants<br><br><br><br>...Respondents |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|

Ms.Falguni Parkar i/b Mr.A.M. Gokhale for the Applicants.

None for the Respondents.

**CORAM : R.D. DHANUKA, J.**  
**DATE : 21ST NOVEMBER, 2019.**

**P.C. :-**

1. Learned counsel appearing for the applicants states that all the respondents are served. Statement is accepted. No affidavit in reply is filed. None appeared for the respondents when the matter was called out.
2. There is delay of 45 days in filing the first appeal. The delay is explained in the civil application. The reasons recorded therein are accepted.
3. The civil application is made absolute in terms of prayer clauses (a) to (c). The amendment to be carried out within two weeks from today. The amended copy of the first appeal shall be served

upon the respondent' advocate within one week from the date of carrying out amendment. There shall be no order as to costs.

**(R.D. DHANUKA, J.)**