

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

**INTERIM APPLICATION NO.1 OF 2019
IN
FIRST APPEAL (ST.) NO.27752 OF 2019
ALONG WITH
FIRST APPEAL (ST.) NO.27752 OF 2019**

Achelesh Daga & Ors. .. Appellants/Applicants
Vs.
Nikhil Kumar Daga & Anr. .. Respondents

Mr.Pankaj Kowli & Mr.Harish Pandya, Mittal Munoth i/by M/s.Kookada
& Associates for the appellants/applicants.
Ms.Sheetal Parkash i/by Ms.Neha Pandya for the respondent no.1.

**CORAM : R.D.DHANUKA, J.
DATE : 19th November 2019**

P.C.:

. By this interim application, the applicants seek condonation of delay in filing the first appeal. Delay is sufficiently explained.

2. I have heard the parties at length. No affidavit-in-reply is filed to this interim application by any of the respondents. For the reasons recorded in the interim application, the interim application is made absolute in terms of prayer clause (a) on the condition that the applicants deposit a sum of Rs.10 lakhs in this Court within two weeks from today. It is made clear that no further extension of time would be granted.

3. If the amount is not deposited within the time prescribed, the order passed by this Court for condoning the delay to stand vacated without further reference to the Court. If the amount is deposited within the time prescribed, the respondents shall not execute the impugned decree dated 4th August 2014 passed by the trial Court till the next date.

4. Place the first appeal on board for 'Admission' on 16th December 2019. Parties are directed to file compilation of documents and pleading forming part of the record before the trial Court and a copy thereof shall be served upon the other side in advance.

R.D.DHANUKA, J.