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

**CIVIL APPLICATION NO. 3711 OF 2014
WITH
CIVIL APPLICATION NO. 3712 OF 2014
IN
FIRST APPEAL (ST) NO. 28868 OF 2014**

Nandlal Peswani

...Applicant.

Vs

M/s Moon Land Builders Pvt. Ltd. & Ors.

... Respondents

None for the Applicants.

Mr. Nikhil Adkine i/b Renuka Lele for Respondent No.1.

CORAM : MADHAV J. JAMDAR, J.

DATE : 4th DECEMBER, 2021

P. C. :

1 Heard Mr. Nikhil Adkine, learned advocate for
Respondent No.1.

2. By Civil Application No.3711 of 2014, the applicant is
seeking condonation of delay of 435 days in filing the First
Appeal. This Court by an order dated 26th August, 2019 kept
this Civil Application for dismissal on 4.9.2019 as none
appeared on behalf of the applicant. Thereafter, this Civil
Application appeared before this Court on 14th September,

2021 and as none appeared, the matter was adjourned. Today, also in the morning session when the matter was called out, none appeared for the applicant. When the matter is called out again after about 2 ½ hours, none appears for the applicant. The office note shows that, the Civil Application stands abated as against respondent No.2 and stands dismissed against respondent Nos.4 and 5.

3. In view of this, Civil Application No.3711/2014 for delay condonation and Civil Application No.3712/2014 for stay are dismissed for non- prosecution.

4. In view of dismissal of Civil Applications, nothing survives in First Appeal and the same is disposed of accordingly.

(MADHAV J. JAMDAR , J.)