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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.17040 OF 2022
IN
FIRST APPEAL NO.719 OF 2022

Mr. Yunus Hasan Agwan

...Applicant /
Appellant No.3.

Versus

Hajiyani Khatijabai Haji & Ors.

...Respondents

Mr. Mutahhar Khan i/b. Chowdhari Moinuddin for the Appellant /
Applicant.

Mrs. K.C. Nichani for the Respondent in Appeal.

CORAM : R.I. CHAGLA J.

DATE : 13TH DECEMBER, 2022.

ORDER :

1. By this Interim Application, the Applicant has sought
condonation of delay of 17 days in filing the Appeal.

2. Upon perusing the averments in the Interim Application,
and in particular paragraph 3 thereof, wherein it is stated that the
Applicant has undergone cataract operation on 25th March, 2022 i.e.
six days after the impugned judgment and order had been passed and

there was delay in contacting the Applicant's Advocate for preparation of Memo of Appeal. Further, the averment in paragraph 4 of the Interim Application that, pursuant to the Application for certified copy made on 29th March, 2022, the certified copy was obtained on 30th March, 2022 and thus there is a delay of 17 days in filing the First Appeal, the relief sought for is required to be granted. Hence the following order:-

- (i) Delay of 17 days in filing the First Appeal is condoned.
- (ii) The First Appeal shall be taken on file.
- (iii) The Interim Application is accordingly disposed of.

[R.I. CHAGLA J.]