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C.M.P. No.13032 of 2022
in O.S.A. SR. No.74817 of 2022

PARESH UPADHYAY, J.
And
D.BHARATHA CHAKRAVARTHY, J.

(Order of the Court was made by D.BHARATHA CHAKRAVARTHY, J.)

1. This petition is to condone the delay of 48 days in filing the appeal.

2. In this petition, initially notice was ordered. It is seen that the notice sent in respect of respondents 2 and 3 returned with an endorsement 'left'. It is further seen that respondents 1 to 3 are the plaintiffs in the suit. The first respondent is the mother and she had received the notice. Since respondents 1 to 3 are represented by a common counsel, this Court permitted the learned counsel for the petitioner to take out private notice to the counsel, who appeared on behalf of the unserved respondents/plaintiffs 2 and 3 in the civil suit. Learned counsel for the petitioner has also served notice on the said counsel.

3. Today, even after service of notice, respondents 2 and 3 have not appeared and it is also seen that even though notice was



served on the first respondent/ mother, there is no appearance on her behalf also. Therefore, service is treated as complete.

4. Being satisfied with the reasons mentioned in the affidavit filed in support of the petition, delay is condoned and this petition is allowed.

(P.U.J.) (D.B.C.J.)
30.09.2022

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