

Dusane

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

**INTERIM APPLICATION NO.2385 OF 2023
IN
SECOND APPEAL (ST.) NO.2429 OF 2023**

Smt. Malan Maruti Patil & Ors. ...Applicants

V/s.

Smt. Shital Babasaheb Gat & Anr. ...Respondents

Mr. Manoj Patil i/by Mr. Ashish P. Pawar for
Applicants.

CORAM: MADHAV J. JAMDAR, J.

DATE: 17th MARCH 2023

P.C.:

1. This Court by order dated 2nd February 2023 issued notice before admission to the Respondents. In addition to the Court notice, the Applicants were directed to serve the Respondents by private service.

2. Mr. Patil, learned Counsel appearing for the Applicants submitted that Respondent No. 2 is served through R.P.A.D., however, as far as notice to Respondent No.1 is concerned, it has returned back with remark 'Not Claimed'. The notice sent through the Court shows that as per the Bailiff report the notice

of Respondent Nos. 1 and 2 is served.

3. Although the Respondents are served, none appears for the Respondents.

4. The Interim Application is for condonation of delay of 164 days in filing the Second Appeal.

5. Sufficient reasons are given in the Interim Application and the same have remained uncontroverted as the Respondents although are served have not appeared.

6. Therefore the Interim Application is allowed in terms of prayer clause (a).

(MADHAV J. JAMDAR, J.)