



Uday S. Jagtap

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

**INTERIM APPLICATION NO. 3659 OF 2023
IN
FIRST APPEAL (ST.) NO. 8057 OF 2023**

Cispina Aliphanso Lobo

.. Applicant

Vs.

Vispi Dotiwalla & Ors.

.. Respondents

.....
Mr. Abhijeet Pange i/b Mr. Ashish P. Agarkar for the applicant
None for the respondents
.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 30th AUGUST, 2023

P.C.

1. This is an application seeking condonation of 355 days delay in preferring the appeal against the impugned ex-parte decree passed by the City Civil Court in S.C. Suit No. 2722 of 2016 dated 11th November, 2021.
2. Despite service, none for the respondents.
3. Learned Counsel for the applicant submits that despite service

he could not appear in the trial Court due to the fact that his family and he himself were diagnosed with Covid-19.

4. For the reasons stated in the application, the application is allowed. The delay is condoned, subject to deposit of costs of Rs.1,000/- in the Registry within four weeks.

5. After the deposit of costs, Registry to number the appeal.

(PRITHVIRAJ K. CHAVAN, J.)