

AGK

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

**CIVIL APPLICATION NO.998 OF 2017  
IN  
FIRST APPEAL (ST.) NO.23232 OF 2016  
WITH  
CIVIL APPLICATION NO.999 OF 2017**

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Rameshchandra Badriprasad  
Khandelwal

... Applicant

**V/s.**

Rajuladevi Dwarkaprasad  
Khandelwal & Ors.

... Respondents

Mr. Rushil Mehta for the applicant/appellant.

Ms. Nupur J. Mukherjee i/by M/s. N.N. Vaishnawa &  
Co., for respondent nos.2, 3, 4 & 8.

**CORAM : AMIT BORKAR, J.**

**DATED : JANUARY 24, 2023**

**PC.:**

**CIVIL APPLICATION NO.998 OF 2017**

- 1.** The civil application seeks condonation of 165 days' delay in filing the appeal.
- 2.** For the reasons stated in paragraphs 5 and 6, delay in filing the appeal is condoned.
- 3.** The civil application stands disposed of. No costs.

**FIRST APPEAL (ST.) NO.23232 OF 2016:**

**4.** The suit of the appellant has been dismissed by the learned City Civil Court. Prima facie the claim is based on Will. In paragraph 23, the Trial Court has recorded a finding that the suit property is not part of the Will.

**5.** Learned advocate for the appellant, therefore, seeks time to prepare himself. Stand over to **7<sup>th</sup> February 2023**. To be listed under the caption 'for final disposal'.

**6.** In the meantime, appellant shall serve copy of appeal compilation on the learned advocate for the respondents.

**(AMIT BORKAR, J.)**