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

**CIVIL APPLICATION NO.1697 OF 2017
IN
SECOND APPEAL (ST) NO.24762 OF 2017**

Dnyandev Tukaram Palekar
deceased through legal heirs
Malan Dnyandev Palekar & Ors.

...Applicants

Versus

Tatyaram Dagdu Mergal & Ors.

...Respondents

Mrs. Savita A. Prabhune, for the Applicants.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 1st FEBRUARY 2023**

P.C. :

1. There is delay of 25 days in filing the Second Appeal and therefore, the Civil Application is filed seeking condonation of delay in filing the Second Appeal.
2. This Court by order dated 9th September 2019, issued notice to the Respondents and permitted the private service.
3. Learned counsel appearing for the Applicants states that Respondents are served by private service and affidavit of service is also filed.

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4. In spite of service, none appears for the Respondents.
5. For the reasons set out in the Civil Application, the same is allowed in terms of prayer clauses (a).
6. The Civil Application is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]