



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1353 OF 2023
IN
APPEAL FROM ORDER (ST) NO.28348 OF 2022**

M/s. Ayush Realty ... Appellant
versus
Ajit Arvind Yelwande and Ors. ... Respondents

WITH
APPEAL FROM ORDER NO.614 OF 2023

Mr. Vijay Killedar for Applicant.

CORAM: N.J.JAMADAR, J.

DATE : 2 AUGUST 2023

P.C.

1. Heard the learned Counsel for the Applicant.
2. Office report indicates that Respondent Nos.1 to 4, 6 to 20 are duly served.
3. None appear for Respondent Nos.1 to 4 and 6 to 20.
4. Notice to Respondent No.5 has been returned with the remark 'reported to be dead'.
5. The learned Counsel for the Applicant seeks leave to amend the application and the appeal memo so as to indicate that the Respondent Nos.1 to 4 are the legal representatives of the Respondent No.5.
6. Leave granted.

7. Necessary amendment be carried out within two weeks.
8. Since Respondent Nos.1 to 4 are stated to be the legal representatives of Respondent No.5, the proceedings qua Respondent No.5 do not abated.
9. This application is preferred for condonation of delay of 17 days in filing the Appeal.
10. Having regard to the short period of delay and the reasons ascribed in the application, the delay in filing the appeal stands condoned.
11. Interim Application stands disposed.
12. Appeal be registered and placed for Admission on 6 September 2023.

(N.J.JAMADAR, J.)