

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

**INTERIM APPLICATION NO. 30470 OF 2022
IN
FIRST APPEAL NO. 816 OF 1992**

The Municipal Corporation of Gr. ...Applicant
Bombay

Versus

Himatlal Kantilal (deceased) thr. LR. ...Respondents
Mrs. Nalini Himatlal

**SNEHA
NITIN
CHAVAN**

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by SNEHA NITIN
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Date: 2023.12.08
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Mr. Santosh Parad for the Applicant/BMC.

Ms. Sonali Dabholkar i/b Mr. Rajesh Kachare for the Respondent
Nos. 1A to 1C.

**CORAM : M.M.SATHAYE J.
DATE : 8th DECEMBER 2023**

PC. :

1. Heard learned counsel for the Applicant/Municipal Corporation and learned counsel for the Respondents.

2. This is an application for restoration of the above first appeal which is dismissed against Respondent No.2 under conditional order dated 02.08.2022 for non taking steps to serve Respondent No.2. There is delay of 105 days in filing the application.

3. The learned counsel for the Respondents opposed condonation of delay. Record shows that no reply is filed till today opposing the application.

4. In that view of the matter, considering the extent of delay and avernments made in interim application, sufficient cause is made out.
5. Interim Application is allowed in terms of prayer clauses (a) and (b). Delay is condoned. Appeal is restored to file against Respondent No.2. Interim Application is disposed of accordingly.
6. All concerned to act on duly authenticated or digitally signed copy of this order.

FIRST APPEAL NO. 816 of 1992

- . In view of the restoration of Appeal against Respondent No.2, issue notice to Respondent No.2, returnable on 12.01.2024.

[M.M.SATHAYE,J.]