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Uday S. Jagtap

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

**CIVIL APPLICATION NO. 1530 OF 2016
IN
FIRST APPEAL (ST.) NO. 35627 OF 2015**

Esmail Ebrahim Dhariwala .. Applicant

Vs.

Hamid Nanu Qureshi (deceased)
Thr. LRs. Sharif Hamid Qureshi & Ors. .. Respondents

.....

Ms. Fatema Tankiwala i/b L.J. Law for the applicant

Ms. Rebecca Almcida i/b Dr. D.S. Hatle for the respondent
nos.1 to 6

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 1st AUGUST, 2023

P.C.

1. This is an application seeking condonation of 197 days delay in preferring the appeal on the ground that due to ill-health, the appellant could not give instructions in the matter and file the appeal.

2. The Medical Certificate annexed with the application at Exh.A. depicts that the applicant was diagnosed with Cancer. It is

stated that the applicant is aged about more than 75 years.

3. Learned Counsel for the respondent objects the prayer.
4. However, considering the reasons given in the application supported with the certificate given by Dr. Anantpal Singh, the delay is not deliberate but it appears to be *bona fide*. Hence, the application is allowed in terms of prayer clause (a). The delay is condoned.
5. The application is disposed of with no order as to costs.
6. Registry is directed to number the appeal.
7. List the appeal on **29th August, 2023** under the caption “For Admission”.

(PRITHVIRAJ K. CHAVAN, J.)