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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO. 2109 OF 2019
IN
COMMERCIAL APPEAL (L) NO. 472 OF 2019**

Ankur K. Gangar

....Applicant

In the Matter Between
Gangar Realtors Pvt. Ltd. and Ors.

....Appellants

V/s.

Jitendra Mansukhlal Parekh and Ors.

...Respondents

Mr. Prathamesh Kamat a/w Ms. Karishni Khanna and Ms. Khushbu Jagani
i/b Prime Legem for Applicant.

Mr. Zubin Behramkamdin a/w Mr. Dhiren Shah, Ms. Palak Joshi i/b
Mr.Dhiren Shah for Respondent Nos.2 to 6.

**CORAM : K.R. SHRIRAM &
RAJESH S. PATIL, JJ.
DATED : 14th FEBRUARY 2023**

P.C. :

1. Mr. Kamat tenders additional affidavit filed through Applicant/
Appellant No.3 in which he has explained and correctly says that the delay is
only 33 days and not 167 days.

2. Mr. Behramkamdin at the outset submitted that since there was
no stay, the suit property has already been disposed in May 2021 and
appellant may decide whether to pursue this appeal. At the same time,
Mr.Behramkamdin states since only it is an application for condonation of
delay, the court may condone the delay but Applicant/Appellant No.3
should be put to terms.

3. Delay is condoned. Interim Application accordingly disposed.

Applicant/Appellant No.3 to pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) as donation to “Free Ophthalmic Hospitals Society”. This cost shall be paid within two weeks from today and proof of payment shall be made available to Advocate for Respondent Nos. 2 to 6. The account details are as under :

Name of Bank Account	:	Bank of Baroda
Account Name	:	Free Ophthalmic Hospitals Society
Account Number	:	99350100003339
Type of Account	:	Saving A/c
IFSC Code	:	BARB0DBPARE (5 th character is zero)
MICR Code	:	400012246
Branch Address	:	88 Madina Manzil, Dr.Babasaheb Ambedkar Road, Near Takiya Masjid, Parel, Mumbai – 400 012.
Branch	:	Parel

4. Registry to take vakalatnama on behalf of Respondent Nos. 2 to 6. Respondent No.1 has expired and his name is being deleted.

5. Application disposed.

6. Mr. Behramkamdin states within one week respondents will file affidavit bringing on record all details of sale of the property with copies of documents with copy to appellants' advocate within one week from today.

7. Appeal stand over to 23rd February 2023 for directions.

(RAJESH S. PATIL, J.)

(K.R. SHRIRAM, J.)