

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

**INTERIM APPLICATION NO.16762 OF 2023
WITH
FIRST APPEAL STAMP NO.27786 OF 2023
WITH
INTERIM APPLICATION 16764 OF 2023**

Milind Surendra Sawant ..Applicant/Appellant
Versus
Laxmi Rama Gadge ..Respondent

Mr. Sandeep Satkar, for the Applicant/Appellant.

CORAM : KISHORE C. SANT, J.

DATE : 3rd JANUARY, 2024

PC.

1. The Appellant has filed affidavit of service in respect of Respondent. Respondent thus treated as served.
2. In spite of service, none appears.
3. Heard learned advocate for the Appellant.
4. This application is filed for condonation of delay of 406 days caused in filing the First Appeal challenging the impugned judgment and order dated 14.07.2022 passed by the learned City Civil Court in Summary Suit No.342 of 2021. The reason assigned

for delay is that though the Applicant was served in the suit, however, he did not appear and was not aware of the progress of the proceedings. It came to his knowledge that the decree is passed only on 4th August, 2023 when the Respondent sent notice to the Applicant. Considering this, this Court finds that the delay needs to be condoned, subject to cost of Rs.10,000/- to be deposited in the Maharashtra State Legal Services Authority within two weeks.

5. Application as such stands allowed.

6. Office to register the First Appeal after the amount is deposited.

7. Applicant is at liberty to circulate the Appeal after compliance of this order.

8. Application for stay shall be considered at the time of considering the Appeal for admission.

9. Place the Appeal for admission on 19th January, 2024.

[KISHORE C. SANT, J.]