

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**INTERIM APPLICATION NO. 16499 OF 2023**  
**IN**  
**FIRST APPEAL (ST) NO. 33229 OF 2022**

Mr. Mehboob Haji Dadmiya Momin      ...      Appellant

V/s.

Mr. Arif Haji Dadamiya Momin      ...      Respondent

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Mr. Chandrakant Chavan, for the appellant.

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**CORAM : KISHORE C. SANT, J.**

**DATE : 12TH APRIL 2024.**

**PC:**

1.            This Court had issued notice on 27/10/2023. The bailiff report shows that respondent was not found on the given address. Though bailiff report is that the respondent was not found on the address, the appellant had sent RPAD as he was permitted to serve through private mode of service. Affidavit of service is filed along with envelop. Envelop shows entries of the postal office that intimation was given. In spite of intimation the respondent has failed to cause his appearance. This Court treats the service as complete. Since, none appears, this Court proceeded to hear this application.

2.            This application is filed seeking condonation of delay of 41 days caused in filing the first appeal. For the reasons stated in the

application, the application is allowed. Delay stands condoned.  
Application is disposed of.

(KISHORE C. SANT, J)