

Jvs.

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

**INTERIM APPLICATION NO. 3433 OF 2023
IN
APPEAL (L) NO. 28443 OF 2023**

**WITH
APPEAL (L) NO. 28443 OF 2023**

**WITH
INTERIM APPLICATION (L) NO. 28447 OF 2023**

JAYANT
VISHWANATH
SALUNKE

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Sukumar Bhoja Shetty	}	Applicant/Appellant
versus		
Gunapal Bhoja Shetty	}	Respondent

Mr. Anand Bhatia for the appellant.

Mr. Satish Raut for the respondent.

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE: 8th APRIL 2024

P.C.:

1. By filing this interim application (IA/3433/2023), the appellant has prayed that the delay of 90 days, which has occurred in filing this appeal, be condoned.

2. Learned counsel for the respondent has opposed the prayer, however, having regard to the averments made in the interim application, we are satisfied that the delay has sufficiently been explained.

3. Accordingly, the interim application is allowed in terms of prayer clause 7(a), which reads as under: -

"7(a) that this Hon'ble Court be pleased to condone the inadvertent delay of 90 days in filing this Appeal."

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4. Admit.

5. On behalf of the respondent, Mr. Satish Raut, learned counsel has put in appearance and waives service of notice.

6. Having regard to the nature of issue involved and also considering the fact that the matter is between two brothers, both of whom are senior citizens, we find that a chance can be taken to get the issues between the parties settled through the process of mediation.

7. Learned counsel appearing for the parties have consented that the matter may be referred to mediation.

8. On our request, Mr. Vikramjit Garewal, a practicing lawyer of this Court [102, Oval House, British Hotel Lane, Fort, Mumbai 400 044 (vikramjitgarewal@gmail.com)] has given his consent to act as a Mediator between the parties. We, accordingly, refer the matter for mediation and expect that the parties will be able to settle the disputes amongst themselves through mediation. The charges and fees of the Mediator shall be borne equally by both the parties.

9. The learned Mediator will furnish his report by the next date of listing.

10. Stand over to **20th June 2024**.

11. Having regard to the fact that we have referred the matter

for mediation, we provide that both the parties shall make application before the Commissioner for Taking Accounts for deferment of the matter and once such an application is made, the proceedings shall stand deferred.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)