

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

**INTERIM APPLICATION NO.13495 OF 2024
IN
FIRST APPEAL STAMP NO. 16328 of 2024
WITH
FIRST APPEAL STAMP NO. 16328 of 2024**

Appaso Bhimrao Koli & Ors. ...Applicants
vs.
Dilip Dinkarrao Dalavi & Ors. ...Respondents

Mr. Avesh Ghadage i/b Akshay Kulkarni for the Applicants
Mr. Siddharth Shitole for the Respondent No.1.
Mr. Ketan Joshi for the Respondent No.2.

CORAM : SHYAM C. CHANDAK, J.

DATED : 12th MARCH, 2025.

P. C. :

- 1) Heard.
- 2) Present Application seeking condonation of 1 year and 97 days delay in filing the aforesaid Appeal.
- 3) Learned Advocate for the Respondent Nos.1 and 2 have no serious objection to condone the delay.
- 4) Despite notice, none appeared for Respondent No.3.
- 5) Considering the grounds stated in the Application and the fact that the Applicants-original claimants have not taken advantage on account of the said delay and for the reasons stated in

the Application, the Application is allowed.

6) The delay of 1 year 97 days in filing the aforesaid Appeal is condoned. Appeal be registered.

7) Application is disposed of.

FIRST APPEAL STAMP NO.16328 OF 2024

. Issue notice to the Respondents, returnable on **6th May 2025**.

2) Learned Advocate Mr.Shitole waives service on behalf of the Respondent No.1 and learned Advocate Mr.Joshi waives service on behalf of the Respondent No.2.

3) Learned Advocate for the Appellants to supply spare copy of the Appeal in the Registry within a period of two weeks from today. In addition to the Court's notice the Appellants to serve the Respondent No.3 by private notice and file the affidavit of service before the returnable date. ***Hamdast*** allowed.

[SHYAM C. CHANDAK, J.]