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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 207 OF 2023
WITH
INTERIM APPLICATION (ST) NO. 30967 OF 2022**

Shri Chandrashekar Dattatray Dalvi ... Appellant/Applicant
Vs.
Usha Shashikant Mantri and Others ... Respondents

Mr. Umesh Mankapure a/w. Mr. Nilesh Wable for the Appellant.

CORAM : GAURI GODSE, J.

DATE : 2nd MAY 2025

ORDER :

1. Learned counsel for the appellant submits that the impugned order is passed ex-parte against the appellant. He submits that the notice of appeal was never served upon the appellant.
2. Learned counsel for the appellant on instructions therefore seeks leave to withdraw this appeal with liberty to file appropriate application before the District Court to set aside the ex-parte order and re-admit /restore of the appeal.
3. Leave granted. Appellant is at liberty to file appropriate application as permissible in law before the District Court. If any

such application is filed, the same to be decided on its own merits uninfluenced by the impugned order and this order.

4. Needless to record that the appellant shall be at liberty to seek benefit of the period of pendency of this appeal for seeking delay condonation, if any, in filing the proposed application.

5. The second appeal is disposed of as withdrawn with aforesaid liberty.

6. In view of the disposal of the appeal, interim application is disposed of as infructuous.

[GAURI GODSE, J.]