

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

**INTERIM APPLICATION NO. 304 OF 2024
IN
FIRST APPEAL (ST) NO. 32220 OF 2023**

Mr. Shadab Shamim Khan ...Applicant
V/s.
Mr. Hitesh J. Somaiya And Anr. ...Respondents

Ms. Varsha Chavan, for the Applicant.

Mr. Aditya Ghadge h/f Mr. Sarthak Diwan, for the Respondent No.2.

CORAM : SHYAM C. CHANDAK, J.

DATED : 5th MARCH, 2025

P.C. :-

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. By way of this Application, the Applicant seeking condonation of delay in filing the aforesaid Appeal. As per office calculation, said delay is 18 days.

2) Heard.

3) Despite notice, none appeared for the Respondent No.1. Learned Advocate for the Respondent No.2 opposed the Application strongly.

4) Considering the period of delay and the other grounds stated in the Application, said Application is allowed.

5) The delay of 18 days in filing the Appeal is condoned. Appeal to be registered forthwith.

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. Issue notice to the Respondents, returnable on **22nd April, 2025**.

2) Learned Advocate for the Respondent No.2 waives notice on behalf of Respondent No.2.

3) The Appellant to provide copy of the Appeal in the Registry, for service of notice on Respondent No.1. In addition to Court's notice, the Appellant to serve the Respondent No.1 with private notice and file affidavit of service on or before the returnable date. ***Hamdast*** allowed.

(SHYAM C. CHANDAK, J.)