

MJ Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3441 OF 2025
WITH
INTERIM APPLICATION NO. 13911 OF 2025
IN
SECOND APPEAL (ST) NO. 27760 OF 2019**

Pramod Keshavrao Patil ... Applicant/Appellant

vs.

Pushpa Chintaman Patil and Anr. ... Respondents

Mr. Rameshwar Gite a/w Sushant N. Tare a/w Hiten A. Raut for the
Applicant/Appellant.

CORAM : GAURI GODSE, J.

DATED : 5th MARCH 2025

ORDER:

INTERIM APPLICATION NO. 3441 OF 2025 AND

INTERIM APPLICATION NO. 13911 OF 2023

1. Interim Application No. 13911 of 2023 is not on board. Taken on board.

2. Interim Application No.3441 of 2025 is for restoration of Interim Application No. 13911 of 2023 against respondent no.1. Interim Application No. 13911 of 2023 is for condonation of delay in filing the second appeal.

3. Learned counsel for the appellant submits that by order dated 31st July 2023, notice is issued in Interim Application No. 13911 of 2023 and interim protection against the possession warrant was granted by this Court. He submits that the notice to respondent no.1 was unserved. He submits that the appellant could not take steps within the conditional time granted by order dated 22nd July 2024 to take steps against unserved respondent no.1. Hence, the application for delay condonation in filing the second appeal stood dismissed against respondent no.1.

4. Learned counsel for the applicant submits that the execution proceedings are listed on 11th March 2025 for issuing possession warrant. He further submits that though as per the bailiff report, the Court notice is returned with remark 'not residing at the given address', according to the applicant respondent no.1 is residing at the same address and she is avoiding service.

5. The oral statement made on behalf of the applicant that respondent no.1 is residing at the same address is accepted. In view of the statement made on behalf of the applicant, the application is allowed in terms of prayer clauses (a) and (b).

6. Interim Application No. 13911 of 2023 is restored against respondent no.1. Interim Application No.3441 of 2025 is disposed of

in above terms.

7. Office is directed to issue fresh notice to respondent no.1 in Interim Application No. 13911 of 2023.

8. Notice is made returnable on 25th April 2025.

9. To be listed under the caption 'for directions'.

10. In addition to the Court notice, learned advocate for the appellant shall serve respondent no.1 by private notice and file service affidavit before the next date.

11. In addition to the Court notice and private notice, the applicant is permitted to serve private notice alongwith copy of this order to respondent no.1 before the executing Court on the next date.

12. Till the next date, ad-interim protection granted by order dated 31st July 2023 is extended.

(GAURI GODSE, J.)