

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

**INTERIM APPLICATION NO. 3926 OF 2025
IN
INTERIM APPLICATION NO. 9230 OF 2024
IN
FIRST APPEAL (ST.) NO. 7805 OF 2024
WITH
INTERIM APPLICATION NO. 9230 OF 2024
IN
FIRST APPEAL (ST.) NO. 7805 OF 2024**

Mahesh Shantaram Dalvi

.... Appellant

V/s.

Mr. Deepak V. Parekh and anr.

.... Respondents

Mr. Amol Gatne for the Appellant.

Ms. Jyoti Bajpayee Pandey i/b. Mr. S.S. Dwivedi for Respondent No.2.

CORAM : SHYAM C. CHANDAK, J.

DATED : 17th MARCH, 2025

P.C. :-

ORDER IN INTERIM APPLICATION NO. 3926 OF 2025 :-

. By this Application, the Applicant/Appellant is seeking condonation of delay in filing the said Application and to restore the Interim Application No.9230/2024 as against Respondent No.1 which came to be dismissed *vide* conditional Order dated 30th September, 2024 passed by the Registrar (Judicial-II) of this Court.

2) Heard Mr. Gatne, learned Advocate for the Applicant/Appellant and Ms. Bajpayee, learned Advocate for Respondent No.2.

3) Mr. Gatne, learned Advocate for the Applicant states that

before passing of the said conditional Order, the Applicant had already filed an affidavit of service of private notice. That, the Applicant has good case on merits.

4) In view of the above and for the reasons stated in the Application, the delay of 30 days in filing this Application is condoned. The conditional Order dated 30th September, 2024 is set-aside and the Interim Application No.9230 of 2024 is restored to file as against unserved Respondent No.1.

5) Interim Application No.3926 of 2025 is disposed of.

ORDER IN INTERIM APPLICATION NO. 9230 OF 2024 :-

6) Issue fresh notice to the Respondent No.1, returnable on **07th April, 2025.**

7) The Applicant to provide copy of the Application to the Registry, for service of notice on Respondent No.1. In addition to Court's notice, the Applicant to serve the Respondent No.1 by private notice and file affidavit of service before the returnable date. Hamdast allowed.

(SHYAM C. CHANDAK, J.)

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