



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CIVIL APPLICATION (CAF) NO.1769 OF 2018**

**IN**

**FIRST APPEAL ST. NO. 2025 OF 2018**

Mohd. Rafiq Ab. Aziz and another

.Vs.

Salim Kha, Ismail Kha, and ors.

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions, Court's or Judge's orders.  
and Registrar's Orders.

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Mr. G.R. Bhake, Advocate h/f Mr. A.S. Deshpande, Advocate for appellants/applicants.  
Mrs. Mrunal Naik, Advocate for the respondent No.3.

**CORAM : ABHAY J. MANTRI, J.**

**DATE : 05/08/2025**

Heard.

2. Applicants/appellants have filed this application to condone the delay of 4 days caused in filing the appeal, for which the learned Advocate for respondent No.3 has no objection. Though respondent No.1 was served, no one appeared for him. The application is dismissed against respondent No.2.

3. Having considered the reasons disclosed in the application and no objection from the learned Advocate of respondent No.3, the application is allowed as prayed. The delay of 4 days in filing the appeal is condoned.

4. It is made clear that appellants are not entitled to get interests, if any, on the enhanced compensation amount for the period from the filing of the application till this order, as

this application has been pending since 2018 and the applicants failed to take the steps to get it disposed of at the earliest but kept pending for more than 7 years.

4. Appeal be registered accordingly.

**FIRST APPEAL ST. NO. 2025 OF 2018**

1. Heard.
2. Issue notice to the respondents, returnable after four weeks.
3. Mrs. Mrunal A. Naik, learned Advocate, waives service of notice for the respondent No.3.
4. Call for record and proceedings.
5. List the matter after receipt of the Record and Proceedings.

**(ABHAY J. MANTRI, J.)**

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