

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**FIRST APPEAL ST NO.36526 OF 2018**  
**WITH**  
**CIVIL APPLICATION NO.1097 OF 2019**  
**IN**  
**FIRST APPEAL ST NO.36526 OF 2018**

Ramesh N. Sanathara .. Appellant

Versus

M/s.Kotak Mahindra Finance Ltd and .. Respondents  
anr

...

Mr.Mahesh Rajpopat with Akshit Kothari for the appellant.

**CORAM: BHARATI DANGRE, J.**

**DATED : 7<sup>th</sup> APRIL, 2022**

**P.C:-**

1 By order dated 28/3/2019, Rule was issued on the Civil Application seeking condonation of 63 days delay and the applicant was permitted to serve the respondent by private service, either by RPAD and/or hand delivery.

2 Pursuant to the said order, the respondent nos.1 and 2 were served privately and an affidavit to that effect came to be filed on 28/3/2021, which is accompanied with a track report, reflecting that the respondent no.2 has received notice on 15/3/2021. Till date, the respondents have not bothered to put

their appearance. Hence, I have perused the application seeking condonation of delay.

3 On hearing the applicant and on perusal of the application, which has explained the delay from paragraph nos.5 to 10, and since the said delay is bonafide, it deserve to be condoned. Necessarily, Civil Application No.1097/2019 is allowed.

Appeal is directed to be registered.

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4 Issue notice to the respondents, making it returnable on 4/7/2022. Private service permitted.

( SMT. BHARATI DANGRE, J.)