

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION (L) NO.31528 OF 2023
IN
WRIT PETITION NO.7451 OF 2022

Charlotte Sean Borthwick	.. Applicant
IN THE MATTER BETWEEN:	
Sean Duane Borthwick and Anr.	.. Petitioners
Versus	
Sai Siddhant Developers and Ors.	.. Respondents
.....	
• Mr. Pramod Bhosle i./by Devika Nigade, Advocate for Applicant / Petitioner.	
.....	

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 09, 2024

P.C.:

- 1.** Mentioned. Not on Board. Taken on Board.
- 2.** Heard Mr. Bhosle, learned Advocate for Applicant /
Petitioner.
- 3.** Perused the praecipe dated 08.02.2024 and the copy of
Interim Application.
- 4.** Interim Application is filed for setting aside of the
conditional order dated 17.08.2023 passed by this Court whereby Writ
Petition No.7451 of 2022 stands dismissed.
- 5.** There was a specific order dated 29.06.2022 issued for final
disposal of the Writ Petition and in addition thereto notice was issued
by the Court alongwith liberty to issue private notice. The Petitioners

rather Petitioners' Advocate supplied copies / packets for issuance of Court's notice to the Registry / Department as per the order. Though it was stated in the order that if copies are not supplied the Petition would stand automatically dismissed without further reference to the Court. It is contended that that copies were supplied on 24.08.2023. Proof of copies having been received on 24.08.2023 is at page No.13 of the Application. I have perused the same.

6. The order dated 17.08.2023 also directed Petitioners to serve Respondents by private notice which was complied with. Proof of that service is on page No.10 of the Application. In view of the above, it is seen that compliance of the order dated 17.08.2023 has been adequately done and I am satisfied with the same. Hence Writ Petition No.7451 of 2022 which stands automatically dismissed stands restored to the file and record of the Court. Resultantly, the order dated 17.08.2023 to the extent of conditional dismissal of the Writ Petition only stands quashed and set aside.

7. There is a delay of 47 days in filing the present application. Learned Advocate would submit that an attempt was made by filing praecipes before the Court on 03.10.2023 and 13.10.2023 but this Court did not pass any order and the Court directed Petitioner to file an appropriate Application. Hence the present Interim Application.

8. In view of the reasons mentioned in the Application there

can be no impediment in allowing the Interim Application. Delay in filing Application stands condoned. Interim Application stands allowed in terms of prayer clauses (a) and (b).

9. In view of any office objection are yet to be removed the same shall be removed within a period of two weeks from today.

10. List the Writ Petition No.7451 of 2022 on **23rd February, 2024.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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