

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

**INTERIM APPLICATION NO.14159 OF 2024
IN
FIRST APPEAL NO.1462 OF 2013**

The Superintending Engineer & Anr. ...Applicants/Appellants

Versus

Mahalakshmi Infraprojects Ltd. & Ors. ...Respondents

Mr. Sachin Gite, Advocate for Applicants/Appellants.

**Mr. Akshay P. Kulkarni i/b. Mr. Ashutosh M. Kulkarni,
Advocates for Respondent No.1.**

Mr. A.R. Patil, Addl.G.P for State.

**CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**

DATE : OCTOBER 23, 2024

P. C.

1. At the outset, the Learned Counsel appearing on behalf of the Applicants/Appellants sought leave to delete prayer clause (c) in the above Interim Application. Leave is granted. The amendment shall be carried out forthwith in front of the Associate/Court Sheristedar. Re-verification is dispensed with.

2. The above Interim Application is filed to recall the order dated 8th December, 2023 under which the above First Appeal was dismissed for default and to restore the above First Appeal to file.

3. The Learned Counsel appearing on behalf of Respondent No.1 vehemently opposed the aforesaid restoration.

4. Having heard the Learned Counsel for the parties, and after perusing the above Interim Application, we are satisfied that sufficient cause is made out not only for condoning the delay, but also for recalling the Order dated 8th December, 2023.

5. In these circumstances, the above Interim Application is allowed in terms of prayer clauses (a) and (b). The Interim Application is disposed of in the aforesaid terms. However, there shall be no order as to costs.

6. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B.P. COLABAWALLA, J.]