

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 7929 OF 2025

IN

FIRST APPEAL NO. 1638 OF 2012

Ramesh Devram Sable and Others

...Applicants/Appellants.

Versus

Shivappa Bhagwant Kumbhar (Deleted)
and Others

...Respondents

Mr. Ashutosh M. Kulkarni for Applicant.

Mr. Ashwinikumar Kapadnis, Mr. Purushottam G. Chavan for Respondents.

Coram : Sharmila U. Deshmukh, J.

Date : 7th May, 2025.

P. C. :

1. Interim Application has been preferred seeking recall of order dated 4th April, 2025 by which the First Appeal which was part-heard matter came to be dismissed for non-prosecution.
2. Learned counsel appearing for Respondent submits that though the matter was part-heard, Appellants in order to delay the proceedings before this Court as well as before the Trial Court chose not to remain present and no indulgence be shown.
3. Considering that dismissal is for non-prosecution, order of 4th April, 2025 is recalled. First Appeal is restored to file.
4. Interim Application is allowed subject to payment of cost of Rs. 5,000/- to Kirtikar Law Library.
5. List the First Appeal on **27th June, 2025.**
6. As the First Appeal stands restored to file, Interim relief stands revived.

[Sharmila U. Deshmukh, J.]