

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 314 OF 2025.

IN

FIRST APPEAL NO. 1058 OF 1998.

Nandkumar Hansraj Patil Since Deceased Thr.Lrs. ...Applicants.
1.1-1.5 And Anr.

Versus

Sabin Alloysious Creado Since Deceased Thr. Lrs. 1.1 ...Respondents.
To 1.4 And Ors.

Adv. Omkar S. Mayekar and Adv. Disha P. Chaurasia i/by CORPSLEGAL for the Applicants.
None for the Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : February 6, 2025.

P. C. :

1. At the outset learned Counsel appearing for the Applicant seeks leave to amend the prayer clause to incorporate a prayer for condonation of delay. Leave granted. Amendment to be carried out forthwith.

2. Interim Application has been preferred seeking recall of the order dated 25th April, 2024 dismissing the Appeal for non prosecution.

3. Learned Counsel appearing for the Applicant submits that the Applicant on the earlier occasion had submitted that she was trying to contact the Applicant, however, contact could not be established.

4. He submits that inadvertently the matter was not attended on 25th April, 2024 and therefore the same came to be dismissed for default.
5. For the reasons stated in the Application, the order dated 25th April 2024 is recalled. First Appeal is restored to file.
6. Interim Application is allowed.
7. List the above first appeal on final hearing board of **21st March, 2025.**

[Sharmila U. Deshmukh, J.]