

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.428 OF 2025
IN
WRIT PETITION NO.1850 OF 2024

Dheeraj Shrikant Nikumbh

.. Applicant

Versus

Deccan College Poona Trust and Ors.

.. Respondents

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- Mr. Praful B. Valvi a/w. Mr. Yogendra M. Koli, Advocates i/by Ms. Shama Shinde for Applicant in Interim Application No.428 of 2025 and Petitioner in Writ Petition No.1850 of 2024.
- Mr. Chaitral Kotwal, Advocate for Respondent No.2 appearing through Video Conferencing.
- Mr. Abhishek Pungliya, Advocate for Respondent No.3.
- Ms. Shruti Kale, Advocate i/by Ms. Manjiri Parasnis for Respondent No.4.
- Mr. P. V. Nelson Rajan, AGP for Respondent – State.

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CORAM : MILIND N. JADHAV, J.

DATE : JULY 25, 2025

P.C.:

1. Heard Mr. Valvi, learned Advocate for Applicant in Interim Application No.428 of 2025 and Petitioner in Writ Petition No.1850 of 2024; Mr. Kotwal, learned Advocate for Respondent No.2 appearing through Video Conferencing; Mr. Pungliya, learned Advocate for Respondent No.3; Ms. Kale, learned Advocate for Respondent No.4 and Mr. Nelson Rajan, learned AGP for Respondent – State.

2. The challenge in order dated 22.07.2025, Mr. Kotwal informs the Court that his objection may be recorded in so far as

restoration of Writ Petition is concerned but he would submit that pursuant to dismissal of Writ Petition, certain incidents and events have occurred which would have an impact on the challenge maintained in the Writ Petition by Petitioner.

3. Equally, Mr. Pungliya echoes submissions made by Mr. Kotwal. In so far as restoration of Writ Petition is concerned in view of order dated 14.06.2024 not been a speaking order and dismissal being for non-prosecution due to absence of Advocate for Petitioner, I am of the opinion that Petitioner should not suffer for absenteeism of Advocate.

4. However both the learned Advocates persuade the Court to levy costs on the Applicant if the Application is to be allowed due to the delay.

5. Needless to state that restoration of Writ Petition will now entitle the affected Respondents to file an additional Affidavit-in-Reply if so desired to place on record all subsequent events which according to them would entail a different dimension in so far hearing of the Writ Petition is concerned.

6. Considering the order dated 14.06.2024 passed by this Court (Coram : Amit Borkar, J.) for dismissal of Writ Petition for non-prosecution and reasons stated in the Application seeking its restoration and challenge to the said order, the order dated

14.06.2024 stands quashed and set aside. Resultantly the Writ Petition No.1850 of 2023 is restored back to the record and file of this Court. Respondents in Writ Petition are directed by this Court to file their additional Affidavit / Affidavit-in-Reply if they so desire within a period of four weeks from today. Copy of the Affidavit / Additional Affidavit shall be served on Petitioner / Advocate for Petitioner by Advocate for Respondent concerned. Copy of the same shall also be served on learned Government Pleader.

7. Considering the fact that delay of 124 days in filing the present Application is involved the aforesaid order of setting aside the dismissal order and subsequent restoration of the Writ Petition is subject to payment of costs of Rs.2,000/- by the Writ Petitioner to the High Court Employees Medical Welfare Fund at Mumbai in its Account No. 000120110001337 in Bank of India, Mumbai (Main Branch) [IFSC Code : BKID0000001] within a period of two weeks from today. The costs shall be paid within a period of two weeks from today.

8. Interim Application is allowed in terms of prayer clauses (a), (b) and (c).

9. Let the Writ Petition be listed on **22nd August, 2025**.

10. With the above directions, Interim Application is disposed.

[MILIND N. JADHAV, J.]

H. H. SAWANT

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