



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.643 OF 2025
IN
FIRST APPEAL (ST) NO. 12496 OF 2008

Nijraj Kumar Lalchand Soni
Through Lalchand Sahmbhunath Soni ... Applicant.
Versus
Ramjas Tulasi Yadav and Ors. ... Respondents.

Mr. Priyanshu Mishra for the Applicant.
Mr. Jagdish G. Aradwad (Reddy) a/w. Abhijit Patil for Respondent No. 7-SRA.

Coram : Sharmila U. Deshmukh, J.
Date : January 21, 2025

P. C. :

1. Interim Application has been preferred seeking recall of the order dated 6th July, 2022 dismissing the Application for condonation of delay on the ground of non-prosecution consequently, resulting in the First Appeal itself being dismissed and for delay of 862 days caused in preferring the present Application.
2. Learned counsel appearing for the Applicant submits that the Applicant is illiterate and residing at Uttar Pradesh. He submits that the father of the Applicant, who was pursuing the Trial Court proceedings, did not keep good health and therefore was unable to be in constant touch with the Advocate. He submits that due to

default on part of the Advocate, the matter was not attended and thus, the Application for condonation of delay came to be dismissed for non-prosecution.

3. The Appeal is of the year 2008 and has not been moved for admission since then. The Application for condonation of delay is also not circulated since the year 2008 and ultimately in 2022, the same has been dismissed for non-prosecution.

4. The order is required to be re-called for the reasons stated in the Application, but upon payment of cost. The order of 6th July, 2022 is recalled subject to payment of cost of Rs.2,500/- to be paid to the Kirtikar Law Library within a period of two weeks from today. Interim Application is allowed. First Appeal is restored to file subject to payment of cost.

[Sharmila U. Deshmukh, J.]