

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1396 OF 2025
IN
FIRST APPEAL NO.519 OF 1998

1(a) Rakesh B. Sharma
& Others .. Applicants.

In the matter between
1(a) Rakesh B. Sharma & Others .. Appellants.
v/s.

Rizvi Builders .. Respondent.

Adv. Surya Das i/b. Adv. R.R.Sharma, for the Applicants/ Appellants.
Adv. Roy Varghese with Adv. Arun Ivatari i/b. Zakir Basha, for the
Respondent.

CORAM: FIRDOSH P POONIWALLA,J.
DATE : 09th OCTOBER, 2025.

P C:-

1 This Interim Application has been moved seeking recall and setting aside of the Order dated 3rd July, 2024 passed by this Court in First Appeal No.519 of 1998 and for restoration of the said First Appeal.

2 By an Order dated 7th March, 2024 passed in the First Appeal, the Appellants were directed to deposit the amount of Rs.75,000/- per month in the Trial Court. Since no such amount was deposited by the Appellants, by Order dated 3rd July, 2024, this Court came to the conclusion that the Appellants were neither conducting the matter nor

were they handing over the property, and also since nobody was present, the matter was dismissed for non-prosecution.

3 Further, by an Order dated 25th September, 2025 passed by this Court, Interim Application No,. 1394 of 2025, which had been filed for setting aside the said Order dated 7th March, 2025, was dismissed.

4 Even today, the Appellants have not deposited any amount in the Court. The learned Counsel for the Appellants states that he has not received any instructions in this regard from the Appellants.

5 In these circumstances, it is not possible for this Court to set aside the Order dated 3rd July, 2024 and to restore the said First Appeal No.519 of 1998.

6 For all the aforesaid reasons, Interim Application No. 1396 of 2025 is dismissed.

7 However, there will be no order as to costs.

(FIRDOSH P. POONIWALLA,J.)