

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4016 OF 2025
IN
FIRST APPEAL NO.2242 OF 2008

Mr. Raju Bajaj
(Trustee of ISKCON New
Vrindavan, Trust)

.. Applicant.

v/s.

Dr. N. D. Desai & Others

.. Respondents.

Adv. Nikhil Mishra, for the Applicant.

Adv. Vivek Khemka, for Respondent Nos. 1 to 6.

Adv. Shilpa G. Talhar, AGP, for Respondent-State.

CORAM: FIRDOOSH P POONIWALLA, J.

DATE : 3rd OCTOBER, 2025.

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1 This Interim Application has been filed for the restoration of First Appeal No. 2242 of 2008 and for setting aside the Order dated 1st February, 2024, by which, the said First Appeal was dismissed for non-prosecution.

2 The learned Counsel appearing on behalf of Respondent vehemently opposes this Interim Application.

3 I have perused the Interim Application. In my view, sufficient cause is shown for restoring the present First Appeal and setting aside the Order dated 1st February, 2024.

4 Accordingly, the following order is passed:-

- (i) The delay in filing the Interim Application is condoned;
- (ii) Interim Application is allowed in terms of prayer clauses (a) and (b) which read as under:-

“(a) Be pleased to set aside the order dated 01.02.2024 passed by this Hon’ble Court in the captioned First Appeal;

(b) Be pleased to allow the present Interim Application and restore the First Appeal No.2242 of 2008 to file.”

5 There will be no order as to costs.

6 Place the First Appeal for hearing on 13th November, 2025.

(FIRDOSH P. POONIWALLA,J.)