

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**INTERIM APPLICATION NO. 13173 OF 2024.**

**IN**

**FIRST APPEAL NO. 1187 OF 1992.**

Abdul Kadar Haq  
Since deceased, through LRs and Others ...Applicants.

**Versus**

M/s. Pande Mishra Company ...Respondent.

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*Mr. Sagar Batavia for Appellant.*  
*Mr. Shobhit Shukla for Respondent.*  
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**Coram : Sharmila U. Deshmukh, J.**

**Date : 4<sup>th</sup> February, 2025.**

**P. C. :**

1. Interim Application has been preferred seeking restoration of interim orders operating in favor of Appellant since the year 1992 as while recalling the order of dismissal, the interim relief was not continued.
2. Learned counsel appearing for Applicant would submit that the Appeal came to be admitted in the year 1992 and on 28<sup>th</sup> February, 2023, when the Appeal was listed on Board for hearing, the Appellant could not attend the Court and therefore, the Appeal came to be dismissed for non-prosecution. The order of dismissal came to be

recalled. However, interim order was not restored.

3. Learned counsel appearing for Respondent would fairly not oppose the revival of the interim order, however, he would submit as the Appeal is of the year 1992, the same may be placed for final hearing.

4. Considering that interim order was operating in favor of Appellants since the year 1992 and it is only by reason of dismissal for non-prosecution that there is no continuation of interim relief, interim relief is revived.

5. List the First Appeal on the 'Final Hearing Board' of **21<sup>st</sup> February, 2025.**

6. Interim Application is allowed.

**[Sharmila U. Deshmukh, J.]**