



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1744 OF 2025
IN
FIRST APPEAL NO. 1327 OF 2014

Ava Jamshed Lalkaka

... Applicant.

Versus

Behram Merwanji Sethna and Ors.

... Respondents.

Mr. Shardul Singh a/w. Mr.Simon Mascarenhas i/by Mulla and Mulla
and Craigie Blunt & Caroe for the Applicant.

Mr.V.Y. Sanglikar a/w. Payal Chheda for the Respondents.

Coram : Sharmila U. Deshmukh, J.

Date : February 10, 2025

P. C. :

1. Interim Application has been preferred seeking recall of the order dated 4th February, 2025 dismissing the First Appeal for non-prosecution, as the Advocate for the Appellant was unable to proceed with the matter which is pending for admission since last 11 years.
2. Learned counsel appearing for the Applicant would submit that as the arguing counsel was unavailable on that day, the Advocate, who appeared for the Appellant was unable to proceed with the matter in the absence of instructions. He submits that he is willing to proceed with the matter and that the order of 4th February, 2025 be recalled.

- 3.** It is expected that when the Appeals of the year 2014 are listed on board, arrangement should be made so that the matters are argued at least for admission.
- 4.** Be that as it may. Considering the reasons set forth in the Application, the order of 4th February, 2025 is recalled. First Appeal stands restored to file.

[Sharmila U. Deshmukh, J.]