IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2733 OF 2025
IN
FIRST APPEAL NO. 361 OF 1990
WITH
INTERIM APPLICATION NO. 2732 OF 2025
IN
FIRST APPEAL NO. 360 OF 1990

Raghunath Ganpatrao Nagargoje Since Dec. Thr. Lrs. & Ors. ...Applicants

Versus

Shahi Idgah Aur Jame Masjid Intejama Committee Miraj And Ors. ...Respondents

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Mr. Nikhil Pawar i/by Adv. Chetan Nagare for the Applicant.
Adv. T. Momin i/by Adv. R. M. Momin for the Respondents.

TALLE SHUBHAM ASHOKRAO
Digitally signed by TALLE SHUBHAM ASHOKRAO Date: 2025.05.08 19:16:16 +0530

Coram : **Sharmila U. Deshmukh, J.**

Date : **MAY 6, 2025.**

P. C. :

1. Interim Application has been preferred seeking recall of the order dated 13th January, 2025 by which the Appeal came to be dismissed for non prosecution as none had appeared for the Appellant.

2. Learned Counsel for the Applicant submits that inadvertently the matter was not noticed when the same was listed and therefore there was no appearance.

3. Learned Counsel appearing for Respondents would object to restoration and would submit that no steps have been taken to

prosecute the appeals which are of the year 1990 and the appeals have been dismissed on previous occasions also.

4. Perusal of the order dated 13th January, 2025 would indicate that the Appeal came to be dismissed as none had appeared though the appeals were listed under the caption "for dismissal" and even on the previous occasion none has appeared.

5. The submission of learned Counsel appearing for the Respondents have some substance and therefore the restoration cannot be without imposing cost.

6. In light of the above, both First Appeals are restored subject to payment of cost of Rs. 5000/- in each Appeal to be paid to the Kirtikar Law Library, Mumbai within a period of four weeks from today.

[Sharmila U. Deshmukh, J.]