



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 7332 OF 2025
IN
FIRST APPEAL NO. 245 OF 2024

Shreenath Enterprises and Another. ...Appellants.

Versus

Swastik Oil Products Mfg. Co., Pvt. Ltd. ...Respondent.

Mr. Jivan Sharma h/f Suneet Gupta for the Appellant.
Ms. Seema Chopda and T. R. Yadav for the Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : April 28, 2025.

P. C. :

1. Interim Application has been preferred seeking recall of the order dated 14th January 2025 dismissing the First Appeal for non prosecution.
2. Learned Counsel appearing for the Respondent opposes the Application contending that even in past, the Appeal was not prosecuted diligently by the Appellants and cost ought to be imposed on the Appellants.
3. Considering that Appeal has been dismissed for non prosecution which is now sought to be restored, as and by way of last chance, order of 14th January 2025 is recalled and Appeal is restored to file.
4. It is clarified that in event the Appeal is not prosecuted

diligently, this Court will be constrained to impose cost on the Appellants.

5. Interim Application stands allowed.
6. List the First Appeal on **30th July 2025**.

[Sharmila U. Deshmukh, J.]