

Digitally
signed by
TRUSHA
TUSHAR
MOHITE
Date:
2025.09.25
16:50:53
+0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 7758 OF 2025
IN
FIRST APPEAL NO. 971 OF 1997**

Rampat Rajpat Chaurasia (since deceased)
Thr. LRS. Gulab Rampat Chaurasia & Ors. .. Applicants

IN THE MATTER BETWEEN

Rampat Rajpat Chaurasia (since deceased)
Thr. LRS. Gulab Rampat Chaurasia & Ors. .. Appellants

Versus

Mangru B. Chaurasia & Ors. .. Respondents

Adv. Vikram V. Pai for Appellant.
Adv. Pradeep M. Patil i/b Adv. Komal Punjabi for Respondents-BMC.

CORAM: FIRDOSH P. POONIWALLA, J.

DATE: SEPTEMBER 24, 2025

P. C.

1. This Interim Application has been filed for setting aside the Order dated 7th January, 2025 of this Court dismissing the First Appeal for want of prosecution, for restoring the First Appeal to the file of this Court, and for restoring the Order dated 20th October, 1997 passed by this Court in Civil Application No. 6288 of 1997 for permission to the Applicants to deposit a sum of Rs. 1000/- per month as royalty, as directed vide Order dated 20th October, 1997.

2. I have perused the Application. In the Application, the Applicants has shown sufficient cause for not being able to remain present on 7th January, 2025 and for seeking the reliefs sought in this Application.

3. In these circumstances, the Interim Application is allowed in terms of prayer (a), (b), (c) and (d) which read as under :

“(a) Rule be issued;

(b) That the order dated 07.01.2025, as passed by this Hon'ble Court, dismissing the above First Appeal No. 971 of 1997, for want of prosecution, be kindly be set aside;

(c) That the above First Appeal No. 971 of 1997, be restored to the file of this Hon'ble Court, to be heard on its own merits and in accordance with law;

(d) That the order dated 20.10.1997, as passed in Civil Application No. 6288 of 1997 in First Appeal No. 971 of 1997, be restored and the Applicants be permitted to deposit a sum of Rs. 1000/- per month as Royalty in this Hon'ble Court, as per the order dated 20.10.1997, as passed in Civil Application No. 6288 of 1997 in First Appeal No. 971 of 1997, which they have deposited till date;”

4. The learned Advocate appearing on behalf of the Appellant states that the royalty for the months of April 2025 to December 2025 will be deposited in this Court within a period of 4 weeks from today. The said statement is accepted by the Court.

5. There will be no order as to costs.

[FIRDOSH P. POONIWALLA, J.]