

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 12934 OF 2025
IN
WRIT PETITION NO. 7424 OF 2002

Mr. Bonifacio Maxie Dsouza (since Deceased) ...Applicants
Thr Lhrs Jerry Maxie D'Souza and Ors.

Versus

Saifuddin Karimuddin Mithaiwala And Anr ...Respondents

SNEHA
NITIN
CHAVAN

Mr. Deepak Gupte for the Applicants.
Mr. Aakash Bhopi i/b Mr. Vijay Killedar for Respondent No.1.

CORAM : M.M. SATHAYE, J.
DATE : 20th NOVEMBER, 2025

P.C. :

1. Heard learned Counsel for the parties.
2. This is an application for restoration of above Writ Petition which is dismissed for want of prosecution by order dated 25.03.2025. According to the office note, there is a delay about 200 days.
3. Perused the application. The reasons for delay are stated in paragraphs 9 and 10 of the application. It is urged that if the restoration is not granted, the Applicants will suffer prejudice as the petition will not be heard on merits. It is submitted that necessary monthly compensation of Rs.1,000/- per month under earlier order, is paid up to end of October 2025.
4. Learned Counsel for the Respondents opposed the application contending that sufficient cause is not made.
5. Writ Petition was admitted and was pending for final disposal. Considering the submissions and averments in the application and

further considering that Writ Petition was admitted, sufficient cause is made out.

6. The application is accordingly allowed. The order dated 21.03.2025 dismissing the Writ Petition for non prosecution, is recalled. The Writ Petition is restored to file, along with Interim relief that was in existence. The restoration of interim relief is subject to Applicants paying the interim compensation regularly and clearing the present arrears on or before 10.12.2025.

7. The Interim Application is disposed of in above terms.

(M.M. SATHAYE, J.)