

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

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INTERIM APPLICATION NO.38570 OF 2025

**IN
FIRST APPEAL NO.1009 OF 2018**

Rajjab Ahmad Hasan Ansari & Ors.Applicants/Appellants

V/s.
Samim Indris AnsariRespondent

Ms. Megha Bajoria for the applicants/appellants.

**CORAM : JITENDRA JAIN, J.
DATED : 16th December 2025**

PC. :

1. There is a delay of 275 days in filing the application seeking restoration of the first appeal which was dismissed for non-prosecution.
2. I have perused the application. The learned counsel for the appellants had attended this matter on all the dates, copies of orders passed from time to time have been annexed to show her appearance. However, on 14 February 2025, the appeal was listed for the first time for hearing and she, through oversight, did not notice and therefore, went unattended resulting into dismissal for want of prosecution. It was only on 15 December 2025 when the respondent along with the police visited the house of the applicant for executing the order that the advocate realised on verifying the website that the appeal has been dismissed. She immediately thereafter, filed the present interim application.
3. In my view, the delay is sufficiently explained and requires to be condoned. Furthermore, the appeal is also restored for the reasons stated

herein above. It is a settled position that for the inadvertence of the advocate, the litigant should not suffer. The advocate has been attending this matter diligently and it was through oversight that on the day when the matter came to be dismissed, she missed attending the same.

4. In view of above, the delay is condoned. Appeal is restored.
5. On restoration of the main appeal, interim orders prior to dismissal to continue.

(JITENDRA JAIN, J.)