
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.3883 OF 2024
IN
WRIT PETITION NO.267 OF 2022**

Shree Ganesh Forgings Ltd

.. Applicant/Petitioner

Versus

Union of India & Ors

.. Respondents

Mr. Rajat Dighe, with Mr. Ganesh Kamat i/b V. Rama Rao & Associates, Advocates for the Petitioner.

Mr. Shubham Saraf i/b Pavan Patil, Advocates for Respondent No.1-UOI.

Mr. M. S. Bharadwaj with Vikas K. Salgia, Advocates for Respondent Nos.2 and 3.

ANJALI
TUSHAR
ASWALE
Digitally signed
by ANJALI
TUSHAR
ASWALE
Date: 2025.01.28
14:50:57 +0530

CORAM: B. P. COLABAWALLA &

FIRDOSH P. POONIWALLA, JJ.

DATE: JANUARY 27, 2025

P. C.

1. The above application has been filed to condone the delay of 184 days to recall the order dated 19th April 2023 dismissing the above Writ Petition.

2. From the record it appears that when the matter was on Board on 2nd February 2023, none appeared on behalf of the Petitioner. It was

therefore stood over to 13th March 2023. Thereafter, again on 13th March 2023, none appeared on behalf of the Petitioner. The matter was therefore stood over to 19th April 2023 under the caption 'for dismissal'. On 19th April 2023, again none appeared on behalf of the Petitioner. In these circumstances, the Court was of the opinion that the Petitioner has lost interest in prosecuting the above Petition and hence dismissed the same for non prosecution. The reason given for non appearing on the aforesaid dates is that the advocate inadvertently missed the listing of the matter and due to which the matter was dismissed. It is stated that the non appearance was neither intentional nor deliberate and therefore prayed for condoning the delay and to restore the Petition on the file of this Court.

3. Though we are not fully satisfied with the explanation given in the Interim Application, we are only inclined to restore it so that the Applicant may get chance to redress his grievances on the merits. However, looking at the conduct of the party, we are of the opinion that the Applicant ought to have pay the costs of Rs.25,000/- as a condition precedent for restoration of the above Writ Petition.

4. In view of the foregoing discussion, the following order is passed:-

a) The order dated 19th April 2023 is hereby recalled and set aside and the above Writ Petition is restored to file, subject to the Applicant/Petitioner paying costs of Rs.25,000/- to the Tata Memorial Centre, Cancer Research Institute, Mumbai within a period of two weeks from today.

b) Once the costs are paid, the receipt evidencing the payment of costs shall be filed in the Registry of this Court and kept in the file of the above matter.

c) It is needless to clarify that if the costs are not paid within the stipulated period, the above Interim Application shall stand dismissed without further reference to the Court.

5. It is also further clarified that there is no interim relief granted in the above Writ Petition.

6. The Interim Application is disposed of in the aforesaid terms.

7. This order will be digitally signed by the Private Secretary/
Personal Assistant of this Court. All concerned will act on production by fax
or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]