

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 2753 OF 2025
IN
MISCELLANEOUS PETITION NO. 13 OF 2010

Girish Kumar Atmadev Mishra & Ors.

...Applicants /
Petitioners

Versus

Vivek Girish Mishra & Ors.

...Respondents

Mr. Digajmaan Mishra i/by Mr. Yashmaan Mishra for Brahmand Lexis
LLP for the Petitioners.

Mr. Arpit Kusum Ashok for the Respondent Nos. 1, 3 and 5.

CORAM : R.I. CHAGLA J

DATE : 2 July 2025

ORDER :

1. By this Interim Application, the Applicants / original
Petitioners have sought condonation of delay of approximately 2,364
days in filing the present Application for restoration of Miscellaneous
Petition, which came to be dismissed for default.

2. The Applicants have referred to the original order dated

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20th December 2010, which had been passed by this Court and by which, this Court allowed Judge's Order No. 375 of 2010 and granted liberty to the Applicants / Petitioners to apply to this Court as and when the minors attained majority.

3. The Applicants have thereafter referred to the dismissal of the Suit by the impugned order on the ground of default and which has resulted in preventing the minors who attained majority from withdrawal of their shares. The Applicants have stated that no prejudice or harm would cause to the Respondents by restoring the Miscellaneous Petition.

4. Having considered the averments in the Interim Application, in my view, the Applicants will suffer grave prejudice, if the Miscellaneous Petition is not restored by recalling of the order dated 21st November 2018 dismissing the Miscellaneous Petition on the ground for default. Hence, a case is made out for allowing the Interim Application.

5. In view thereof, the following order is passed:-

- (i) Delay in filing of the present Application is condoned.
- (ii) Miscellaneous Petition No. 13 of 2010 is restored to file by recalling of the order dated 21st November 2018.
- (iii) Interim Application is accordingly, disposed of.

[R.I. CHAGLA J.]