

Priya Soparkar

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

INTERIM APPLICATION NO. 5216 OF 2025
IN
WRIT PETITION NO. 2941 OF 2002

The Bhuleshwar Residents' Association and anr. ...Applicants

Versus

Brihanmumbai Municipal Corporation and ors. ...Respondents

Mr. Devang D. Parmar, for the Applicant.

Ms. Jyoti Mhatre i/by Ms. Pushpa Yadav and Ms. Komal Punjabi,
for the Respondent No.1/BMC.

Mr. Rakesh Pathak, AGP, for the Respondents Nos. 4 and 5/State.

Ms. Amisha Lolusare i/by Mr. Pradeep Thorat, for the Respondent
No.7.

Mr. Shobhit Shukla, for the Respondent No.8.

CORAM: SUMAN SHYAM &
S. M. MODAK, JJ.

DATED: 16th DECEMBER, 2025.

PC:-

1. It appears from the record that Writ Petition No.2941 of 2002 was listed alongwith two other Writ Petitions viz. Writ Petition No.1492 of 2003 and Writ Petition No.2500 of 2017 before the co-ordinate Bench on 27th June, 2025. However, on that date, the counsel for the Petitioners was absent, as a result of which, the matters were adjourned, by observing that on the next date, if the Petitioners are not represented, the Writ Petitions will stand dismissed for want of prosecution. Notwithstanding the same, the

Petitioners again remained absent even on the next date i.e. on 4th July, 2025, leading to issuance of order of dismissal of the Writ Petitions for want of prosecution.

2. The Petitioners' counsel submits that due to a misunderstanding that these matters were posted for final hearing, he could not remain present on both the dates. Such explanation of the Advocate is not at all convincing. Rather, we are of the view that there was negligence on the part of the Petitioners' counsel, who had failed to remain present on two consecutive occasions, when the matters were called out. However, it is a salutary principle that the litigants should not be made to suffer due to the fault of their Advocate.

3. The learned counsel for the Respondents also submit that they would not file reply in the Interim Application.

4. In view of the above, by cautioning the Petitioners' counsel, not to repeat the mistake in future, we allow the Interim Application.

5. As such the order dated 4th July, 2025, in Writ Petition No. 2941 of 2002 is hereby re-called.

6. The Writ Petition is restored to its original file.

7. Interim Application No.5216 of 2025 stands disposed of.

(S. M. MODAK, J.)

(SUMAN SHYAM, J.)