

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.6790 OF 2025

IN

WRIT PETITION NO. 1829 OF 2004

The Empire Bldg. Occupants Welfare Assoc.Applicants.
In the matter between
The Empire Bldg. Occupants Welfare Assoc.Petitioners
Versus
State of Maharashtra & Ors. ...Respondents

Mr. Pritvish Shetty with Aashka Vore i/b. Vidhii Partners, for Petitioners.
Mr. S. B. Gore, AGP for State.
Ms. Feroza Bharucha i/b. Rashmikanth & Partners, for Respondent No.5.

CORAM:
G. S. KULKARNI &
ARIF S. DOCTOR, JJ.

DATE: 5 DECEMBER 2025

P.C.

1. This Interim Application is circulated before this Bench in pursuance of the order dated 26 November 2025 passed by the co-ordinate Bench of this Court which reads thus:-

“1. Since the order of dismissal for non-prosecution dated 4th July 2025 has been passed by another Bench (Coram : G.S.Kulkarni & Arif S. Doctor, JJ.) and considering the nature of submissions made by the learned counsel appearing for the Applicants, we direct that the matter be listed before the appropriate Bench.”

Accordingly, we have proceeded to hear the parties on the Interim Application.

2. The prayer in the present application is for restoration of the Writ Petition which came to be dismissed by an order dated 4 July 2025. This Interim Application was filed on 8 October 2025. So far no written opposition is filed.

3. There is some delay in filing the present application. In our opinion, the same has been appropriately explained. Although there is oral opposition to this Interim Application, it is in the interest of justice that the Interim Application is

required to be allowed. It is accordingly allowed in terms of prayer clauses (a), (b) and (c).

4. Considering the nature of the order dated 4 July 2025, we are of the opinion that if any ad-interim protection was granted earlier, the same also needs to be restored, considering the settled principle of law that a party ought not to suffer for the fault of the Advocate. Accordingly, ad-interim reliefs if any, granted earlier, stands restored.

5. Office to list the petition before the appropriate Bench.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)