IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.15223 OF 2023
IN
WRIT PETITION NO.3384 OF 2022

Jalinder Raut & Anr — Applicants/Petitioners

Versus

Raoji Premji & Kuwarji Premji
Decd. Thr. LHRs & Ors — Respondents

Adv. Santosh Suryawanshi for the Applicants.

Adv. Sachin Mahagavkar a/w Adv. Darshit Shah for Respondent Nos.1B to 1E.

PRIYANKA MADHAVRAO KALE
Digitally signed by PRIYANKA MADHAVRAO KALE
Date: 2026.10.19 18:40:37 +0530

CORAM: AARTI SATHE, J.

DATE: 16th October 2026.

P.C.

1. This Interim Application has been filed for the following reliefs:

   a. That order dated 09.06.2022 be recalled and modified with respect to Interim Application bearing No.1823 of 2022 filed by Petitioner No.1.

   b. The present Petition be restored to file by permitting the Petitioner No.2 to delete the name of Petitioner No.1 from cause tile of Present Petition.

   c. Any other just fit and proper order may be passed in the interest of natural justice.

2. There is a delay of almost six months in filing the aforesaid Interim Application. The reasons for the delay are set out in the paragraph No.4 of the Interim Application. The primary relief sought by the Applicant is in respect of the recall and modification of the Order dated 9th June 2022 passed by a Co-ordinate Bench of this Court, particularly on the ground that the Petition was erroneously

disposed of as withdrawn insofar as both Petitioner No.1 and Petitioner No.2 were concerned.

3. Learned counsel on behalf of the Applicant/Petitioner No.2 submits that, on the date on which the order dated 9th June 2022 came to be passed, the Petition was sought to be withdrawn only insofar as Petitioner No. 1 was concerned. The reliefs sought by Petitioner No. 2 required consideration, and no prayer for withdrawal of the Petition was made on behalf of Petitioner No.2. Learned counsel on behalf of the Applicant/Petitioner No.2 has annexed a copy of the Interim Application No.1823 of 2022, wherein it has been categorically prayed that Petitioner No.1 seeks to withdraw the Petition and there was no prayer for withdrawal of the Petition made on behalf of Petitioner No.2.

4. Learned counsel on behalf of the Respondents opposes the condonation of delay however, he does not oppose the recall of the order to the extent that the Petition survives, insofar as, Petitioner No.2 is concerned.

5. Having heard learned counsel on behalf of the parties and perused the averments made in the Interim Application, this Court is of the view that considering the peculiar facts of the case, the Order dated 9th June 2022 is to be recalled to the extent that it disposes of the Petition as withdrawn in respect of Petitioner No.2 is concerned. Insofar as delay in preferring this Interim Application is concerned, this Court is of the view that a sufficient cause is made out by the Applicant/Petitioner and in the interest of justice the aforesaid delay is condoned.

6. It is clarified that the Order dated 9th June 2022 shall remain in force insofar as withdrawal of the Petition in respect of Petitioner No.1 is concerned. The said Order is modified to the aforesaid extent. The Writ Petition is restored to the file of this Court.

7. Interim Application is allowed in terms of prayer clauses (a) and (b).

8. Amendment to the aforesaid Petition to delete the name of Petitioner No.1 from the cause title of the Petition shall be carried out within a period of six weeks from today. An amended copy of the Petition shall be served upon the Respondents.

9. Stand over to **22nd December 2026.**

(AARTI SATHE, J.)

Priyanka