IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 418 OF 2020
IN
WRIT PETITION NO. 6279 OF 2001

SNEHA NITIN CHAVAN

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Date: 2026.08.17 20:37:46 +0530

Shankarrao Keshavrao Bhoirkar (Deceased) and Anr ...Applicants

Versus

Vasudev Khanderao Gupta And Ors ...Respondents

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Mr. Prosper D'Souza for the Applicant (thru Legal Aid).
Mr. Dharmesh Pandya i/b Pandya's Law Era for Respondent No.3.
Ms. Saina Crasto, AGP for Respondent No.4/State.
Mr. K.P. Shah i/b P.B. Shah for Respondent Nos. 5 to 7.

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CORAM : M.M. SATHAYE, J.
DATE : 17th AUGUST, 2026

P.C. :

1. Heard learned Counsel for the parties.

2. This is an application for restoration of the petition, which is dismissed for non prosecution under order dated 02.01.2020.

3. The application is immediately filed on 14.01.2020 within the prescribed period of limitation.

4. Though according to the office note, service upon Respondent Nos. 1 and 2 is awaited, nobody had appeared for them on 02.01.2020, the day of dismissal in default.

5. Learned Counsel for the Respondent No.3 (who is one of the Trustees) submits on instructions, that Trust is still functioning.

6. It is stated in the application that on the same day when it was dismissed for non-prosecution, it was mentioned before the Court and

the petition was orally restored, however, the order was not uploaded. It is further stated that when the petition was listed, it was listed as a final hearing matter at Sr. No. 206 and earlier Advocate did not know about it.

7. The present application is filed through an advocate appointed by Legal Aid.

8. Considering the said averments which are uncontroverted, as there is no reply filed, and further considering the fact that the application is immediately filed within prescribed period of limitation and further considering that Trust is represented by one of the trustees, case for restoration is made out.

9. Application is allowed. The order dated 02.01.2020 is recalled. Petition is restored for hearing in accordance with law.

(M.M. SATHAYE, J.)