IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4704 OF 2026

IN

WRIT PETITION NO. 6252 OF 2026

Vaishnavi Caim Sambuddha ..Applicant

Versus

Alok Nath Sambuddha …Respondent

WITH

INTERIM APPLICATION NO. 4705 OF 2026

IN

WRIT PETITION NO. 6253 OF 2026

Vaishnavi Caim Sambuddha ..Applicant

Versus

Alok Nath Sambuddha …Respondent

Ms Ashmita Goradia, i/b Rubeen M, for the Applicant in IA/4704/2026 and IA/4705/2026.

Mr. Navin Sharma, for the Respondent in IA/4704/2026 and IA/4705/2026.

CORAM: N. J. JAMADAR, J.

DATE : 16th OCTOBER 2026

ARUN RAMCHANDRA SANKPAL

Digitally signed by ARUN RAMCHANDRA SANKPAL
Date: 2026.10.17 18:38:32 +0530

P.C.:

1. Heard Ms. Ashmita Goradia, the learned Counsel for the Applicant and and Mr. Navin Sharma, the learned Counsel for the

Respondent in Interim Application No. 4704 of 2026 and Interim Application No. 4705 of 2026.

2. These Applications are filed for restoration of the Petitions which were dismissed by this Court for want of prosecution as on 27th March 2026, the learned Advocate who had appeared for the Petitioner expressed his unwillingness to proceed with the matters and insisted that the matters be adjourned, though the Court has repeatedly requested the Counsel to proceed with the hearing of the Petitions.

3. The learned Counsel for the Applicant submitted that, on account of the circumstances then prevailing, the Applicant could not proceed with the hearing of the Petitions. But, the Applicant is now willing to proceed with the hearing of the Petitions.

4. The learned Counsel for the Respondent countered the submissions on behalf of the Applicant. It was submitted that the Applicant-Petitioner has committed breach of the orders passed by this Court on 3rd September 2025 and has removed the child to Mathura. Therefore, the Applicant did not deliberately appear before this Court. In the event the Petitions are restored, the Applicant be directed to comply with the order dated 3rd September 2025, for the breach of which the Respondent has already filed Contempt Petition.

5. On 27th March 2026, this Court was constrained to dismiss the Petitions as the Advocate for the Petitioner had expressed his

unwillingness to proceed with the hearing of the Petitions. Indeed, there was a prelude to the order dismissing the Petition for want of prosecution, which has been recorded by this Court in paragraph 2 of the the said order.

6. In the meanwhile, pursuant to the order passed by the Division Bench, custody of the child has been restored to the Applicant.

7. In view of the events that have transpired subsequently, and the submission on behalf of the Applicant that, the Applicant is now willing to proceed with the Petitions, and to advance the cause of substantive justice this Court is inclined to restore the Petitions to file.

8. Hence, the following order:

: O R D E R :

(i) Interim Application No. 4704 of 2026 and Interim Application No. 4705 of 2026, stand allowed.

(ii) Order dated 27th March 2026 stands recalled.

(iii) Writ Petition No 6252 of 2026 and Writ Petition No. 6253 of 2026, stand restored to file of this Court.

(iv) Writ Petition No 6252 of 2026 and Writ Petition No. 6253 of 2026 along with the

Contempt Petition No. 536 of 2026, be listed for hearing and final disposal on 28th October 2026.

(v) The parties are put to notice that an endeavour will be made to finally dispose of these Petitions and no request for further adjournment shall be entertained on any count whatsoever, and if the Petitioner does not workout the matter on that day, the Court would be again constrained to dismiss the Petitions with no possibility of restoration.

Applications disposed.

[N. J. JAMADAR, J.]