SUPRIYA PRAMOD JAWARE
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4669 OF 2026
IN
FIRST APPEAL NO. 1175 OF 2022

CJYM Realtors LLP ..Applicant

IN THE MATTER OF

CJYM Realtors LLP ..Appellant

Versus

Suhel Salauddin Qureshi & Ors. ..Respondent

Ms. Fatima Barodawalla a/w Adv. Misbah Khan for the Applicant.
Ms. Eshwaree Kudalkar for Respondent Nos. 1 to 3.

CORAM : SARANG V. KOTWAL &
RANJITSINHA RAJA BHONSALE, JJ.

DATE : 13th OCTOBER 2026

PC :

1. This is an application for restoration of First Appeal No. 1175 of 2022, which was dismissed for want of prosecution vide Order dated 6th March 2025.

2. Learned Counsel for the Applicant submitted that the previous Advocate for the Applicant did not keep the Applicant informed about the stage of the Appeal and, in fact, misled the Applicant into believing that the Appeal was being looked after on

every date. However, subsequently, the Applicant came to know that it was not only dismissed for default but in the past also it was dismissed, and on at least six occasions, Restoration Applications were filed which were also dismissed for non-prosecution. She therefore, submitted that it was purely because of the act of the Advocate that the Appeal was not attended and was dismissed. She submitted that, for this negligent act on the part of the Advocate, the litigant/Applicant may not suffer and that, in the interest of justice, the Appeal be restored.

3. Learned Counsel for the Respondent opposed this Application and submitted that even the Restoration Applications were dismissed from time to time and, in the past, a Division Bench had passed strong remarks for that conduct.

4. We have considered both these submissions. As can be seen that the earlier Advocate had not taken diligent steps to look after the matter and attend the matter before the Court, inviting strong observations of the Court. However, as submitted by the learned Counsel for the Applicant, the Applicant may not suffer

because of the negligent act quite clearly attributable to his Advocate. In this view of the matter, in the interest of justice and in order that the Applicant/Appellant may not suffer, we are inclined to allow this Application; particularly when there is change of Advocate. The learned Counsel undertakes to attend the matter diligently henceforth. Hence, the following Order :-

ORDER

(i) The First Appeal No. 1175 of 2022 and the connected Civil Application No. 3721 of 2017 are restored to file. They shall proceed in due course, as we are informed that the First Appeal was already admitted.

(ii) The Application is disposed of.

(RANJITSINHA RAJA BHONSALE, J.) **(SARANG V. KOTWAL, J.)**