

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 42 OF 2026
IN
APPEAL FROM ORDER (STAMP) NO. 15754 OF 2021**

**Mr. Allen Gerald D'Silva S/o.
John Bapist D'Silva** .. **Applicant/Appellant**
V/s.
**Mrs. Grace Augustine Pinto W/o. Augustine
Pinto & Ors.** .. **Respondents**

Mr. M. B. Sirsat for Applicant.

Mr. Siddharth Singh i/b. Mr. A.M. Saraogi for Respondent no. 1.

CORAM : FARHAN P. DUBASH, J.

DATE : 18th APRIL 2026

P. C.:

1. The present Interim Application seeks recall and setting aside of an order dated 11th December 2025 passed by this Court, recording the statement of the Appellant that he had instructions to withdraw the Appeal and by accepting such statement, disposing of the Appeal as withdrawn.

2. Mr. Sirsat, learned Counsel who appears on behalf of the Applicant, states that the statement that was made on 11th December 2025 and on the basis of which the said order came to be passed was on account of miscommunication from the Applicant, who instead intended to place the settlement terms that were arrived at between the Applicant and Respondent

no. 1 on the record. Mr. Sirsat, therefore apologizes for this mistake and seeks recall and setting aside of the order dated 11th December 2025.

3. Mr. Siddharth Singh, learned Counsel who appears on behalf of Respondent no. 1, has no objection if the reliefs sought in this Interim Application are granted. Accordingly, the present Interim Application is made absolute in terms of the prayer clause –‘a’ and the order dated 11th December 2025 is hereby recalled/set aside and the Appeal From Order (St) no. 15754 of 2021 is hereby restored to the file of this Court.

4. The present Interim Application is disposed of in terms of the above order with no order as to costs.

5. Both parties state that they wish to file consent terms in the matter. Accordingly, place the matter on **4th May 2026** under the caption “For Settlement/Filing Consent Terms”.

(FARHAN P. DUBASH, J.)

Ajay Jadhav