



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

63 IA/10213/2025

[Civil]

In

WP/4916/2001

SHRI.KISHOR MOHANLAL GATHANI(SHAH)THROU. LEGAL HEIRS

VS

SHRI.SHANTILAL BALUBHAI MOTIWALE and ORS.

Adv. Viraj Shelatkar a/w. Adv. Ganesh K. Gole for the applicant.
None for the respondents.

CORAM : RAJESH S. PATIL, J.

DATE : 23 MARCH 2026.

P.C. :

1) This interim application has been filed seeking restoration of the writ petition which was dismissed for non prosecution by an order dated 23/1/2025.

2) Mr. Shelatkar, learned counsel appearing for the applicant/petitioner submits that the respondents have been duly served by private notice as well as by Court's notice. He further submits that even on the date when the writ petition was dismissed, none appeared for the respondents.

3) I have heard learned counsel for the applicant/petitioner and I have gone through the contents of the interim application. The

interim application has been filed within the limitation period.

4) None appears for the respondents, when the matter is called out for hearing though they are duly served.

5) I am convinced that the interim application needs to be allowed and the matter to be heard on merits.

6) Interim Application stands allowed in terms of prayer clause (a).

7) The order dated 23/1/2025 passed in Writ Petition No. 4916 of 2001 is quashed and set aside, and the writ petition is restored back to the file and to be heard on merits.

8) The petitioners are directed to file a compilation of documents, short synopsis along with their preposition of law and authorities relied upon by them within a period of eight weeks from today.

9) Let the matter come up on board under the caption **“For Final Hearing”** after eight weeks i.e. on **15/6/2026**.

(Rajesh S. Patil, J.)