

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
INTERIM APPLICATION NO.38450 OF 2025  
IN  
WRIT PETITION NO.6604 OF 2021

|                                |               |
|--------------------------------|---------------|
| Manisha Bhupendra Pandya       | ...Applicant  |
| <i>Versus</i>                  |               |
| Bhupendra Purshottamdas Pandya | ...Respondent |

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Ms. Manisha B. Pandya, the Applicant present in-person.  
Mr. Darshan R. Mehta a/w. Ms. Megha Sanghavi i/b. Dhruve  
Liladhar & Co., for the Respondent.

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CORAM: MADHAV J. JAMDAR, J.  
DATED : 17<sup>th</sup> JANUARY 2026

**P. C.:**

1. This Interim Application is taken out for recall of the order dated 17<sup>th</sup> November 2025, by which the Writ Petition is dismissed for want of prosecution.

2. The reasons are set out in paragraph Nos.7 and 8, which read as under:

*“7. I say that since the advocate for the petitioner and the Petitioner were completely unaware of the sudden and impromptu notification dated 14-11-2025 (which they are yet not seen till date) of the*

*assignment of HHJ. Her ladyship Smt. Aarti Sathe for 17-11-2025 and 18-11-2025 and thereafter completely UNAWARE of the above Interim application 2814 of 2021 and WP/6604/2021 being listed on 17-11-2025. Hence the Interim application 2814 of 2021 and WP/6604/2021 has been disposed of by DEFAULT clubbed with misleading statement of the Respondent through his Learned Counsel.*

*8. I say that it is also proved by the praecipe submitted before CORRAM HHJ. Her ladyship Smt. Manjusha Deshpande on 13-11-2025 that the Petitioner is very much interested in pursuing the matter and that the above matter got disposed inadvertently by DEFAULT, because of the circumstances aforesaid and below stated, and hence needs to be URGENTLY and IMMEDIATELY RESTORED in the interest of justice. In fact if the applicant/petitioner knew that the matter was coming on board on the 17-11-2025 she could have easily appeared in person and could have pursued the matter in the interest of justice.”*

3. The said reasons clearly shows that in fact, on 13<sup>th</sup> November 2025, the Petitioner has moved the regular Court and in paragraph No.9 of the Interim Application, it is stated that the date given by the regular Court was 4<sup>th</sup> December 2025. However, the matter was listed on 17<sup>th</sup> November 2025 before a learned Single Judge and the same was dismissed for want of prosecution.

4. It is also required to be noted that at that time, the Applicant was represented by an Advocate.

5. Although affidavit-in-reply is filed strongly opposing the Interim Application, perusal of the record shows that the learned Advocate of the Petitioner has not appeared in the matter and therefore, the Writ Petition was dismissed for want of prosecution.

6. It is settled legal position that, due to fault of the Advocate, litigant shall not suffer.

7. Accordingly, for the reasons set out in the Interim Application, the same is allowed in terms of prayer clause (a).

8. Resultantly, the order dated 17<sup>th</sup> November 2025 passed by a learned Single Judge is set aside. The Writ Petition is restored to the file of this Court.

9. The Writ Petition be listed on **30<sup>th</sup> January 2026** for “admission” along with companion Writ Petition No.6604 of 2021 and Interim Application No.2814 of 2021.

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

[MADHAV J. JAMDAR, J.]

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