

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

**INTERIM APPLICATION NO. 2841 OF 2026
IN
FIRST APPEAL NO. 28 OF 2004**

Ramesh Janardhan Phansekar .. **Applicant/Appellant**
V/s.
Brihan Mumbai Mahanagar
Palika (BMC) And Anr. .. **Respondents**

Mr. S. B. Prabhavalkar for Appellant.
Ms. Pallavi Khale i/b Ms. Komal Punjabi for Respondent – BMC.

CORAM : FARHAN P. DUBASH, J.

DATE : 15th APRIL 2026

P.C.:

1. The present Interim Application seeks recall and setting aside of the order dated 19th September 2025 by which the First Appeal bearing No. 28 of 2004 was dismissed for want of prosecution and also seeks restoration of the First Appeal to the file of this Court whilst condoning the delay of 162 days in filing the same.

2. Having perused the contents of the application, this Court is satisfied with the reasons set out therein and accordingly is of the view that the delay is required to be condoned and that the order dated 19th September 2025 is required to be recalled. Accordingly, the following order is passed:

::ORDER::

- (i) Subject to the Appellant making payment of a sum of Rs. 10,000/- to the Tata Memorial Hospital, on or before 22nd April 2026 and furnishing necessary proof in that regard before the Registry. The order dated 19th September 2025 shall stand recalled and the First Appeal No. 28 of 2004 shall be restored to the file of this Court, together with all pending Interim Applications, if any, therein.
- (ii) The present Interim Application is disposed of in terms of the above order.

3. Place the matter on **29th April 2026** under the caption “For Compliance.

(FARHAN P. DUBASH, J.)

Shubham Gadhavepatil