

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

SUTT NO. 838 OF 2016

Girish S. Pikale

...Plaintiff

Versus

Shailesh S. Pikale And 26 Ors.

...Defendants

WITH

LEAVE PETITION NO. 186 OF 2016

IN

SUTT NO. 838 OF 2016

WITH

INTERIM APPLICATION NO. 7199 OF 2025

IN

INTERIM APPLICATION NO. 2136 OF 2021

Mr. A. S. Khandeparkar, Sr. Adv. a/w Ms. Sneha Phene, Mr. Vaibhav Kulkarni i/b
Vaibhav Kulkarni, for the Plaintiff.

Mr. Manish Gala, for Defendant Nos. 1 & 2.

Ms. Nilima Sanglikar, for Defendant Nos. 3 & 4.

Mr. Yogesh Mishra a/w Mr. Sanjiv Puralekar i/b PRS Legal, for Defendant Nos. 7,
12 to 14, 20 & 21.

Ms. Naveena Kumai a/w Ms. Aparnaa Rajeshwari, for Defendant Nos. 18 & 19.

CORAM : ARIF S. DOCTOR, J.

DATE : 30th MARCH, 2026

P.C.

1. The Interim Application seeks recall of an order dated 11th November 2025 and the consequential restoration of Interim Application No.2136 of 2025.

2. Heard Mr. Khandeparkar, learned senior counsel for the Plaintiff, who points out that the Interim Application came to be dismissed on account of the fact that the Applicant's Advocate was not present on that date. He points out that this is so because there was a change of Advocates and in fact on that very same day in this Court, the learned Advocate appearing on behalf of the Applicant had appeared in the very previous matter. He, therefore, submits that this was only on account of inadvertence that he did not appear in the matter for recall.

3. Mr. Gala, learned counsel for Defendant Nos.1 and 2 points out that the Interim Application was dismissed because it was brought to the Court's notice that a previous order dated 1st October 2025, by which the Applicant was directed to pay costs of Rs.1,00,000/- to each Defendant, was not complied with.

4. Having heard learned counsel, I must note that clearly the failure to appear on behalf of the learned counsel was inadvertent, given that he was present in this Court in the previous matter.

5. Furthermore, the contention of Mr. Gala that the Interim Application was dismissed because the Court noted that costs had not been paid is indeed recorded as a submission of learned counsel. However, the same, in my view, would not preclude the restoration of the Interim Application. I am informed that learned counsel for the Applicant has taken out an appropriate Interim Application for recall of the directions to pay costs, and that the said application is pending before the learned Single Judge who has passed the order.

6. Depending on the fate of that application, and as it is not being pressed today, in my view, the substantive interest of justice would require that the

present Interim Application No.2136 of 2025 be restored and it is accordingly restored to the file of this Court.

7. The Interim Application No.7199 of 2025 is accordingly disposed of.

[ARIF S. DOCTOR, J.]