

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

**INTERIM APPLICATION NO.8042 OF 2025
IN
APPEAL NO.290 OF 2013**

Dr. Jasmine Ajayan	Applicant
<u>IN THE MATTER BETWEEN</u>	
Dr. Jasmine Ajayan	...Appellant
Versus	
M/s. Swastik Realtors	
and others	Respondents

Mr. Ishan Gambhir, Advocate a/w. Aletea Fernandes i/b. M/s.
India Law LLP for the Applicant.

Mr. M.K. Tanna, Advocate for the Respondent Nos.1 & 4.

**CORAM : SARANG V. KOTWAL &
SANDESH D. PATIL, JJ.**

DATE : 26th FEBRUARY, 2026

P.C. :

1. By this Interim Application the Applicant is seeking recalling and setting aside the order dated 4.7.2025 passed in Appeal No.290/2013 whereby the Appeal of the Applicant was dismissed for non-prosecution. There is delay of 123 days in filing the present Interim Application for recalling the said order.

2. This Court had issued notices to the Respondents. Today the office has filed a report stating that the Respondent Nos.1 to 5 are served. As far as the Respondent No.6 is concerned, the report shows that the packet was returned to the sender as the addressee has “refused” to accept the service. This, according to us, is a good service. Hence, all the Respondents are served.

3. We have considered the contention of the learned Counsel appearing for the Applicant as well as the Respondent Nos.1 & 4. Learned counsel appearing for the other Respondents is not present. On 2.2.2026, Mr. Maulik Vora i/b. Pramodkumar & Co. learned counsel appearing for the Respondent Nos.2, 3 & 5 had waived service on behalf of the Respondent Nos.2, 3 & 5. Today, he is not present.

4. Having heard learned counsel for the Applicant as well as learned counsel appearing for the Respondent Nos.1 & 4, and after considering the averments made in the Interim Application more particularly in paragraph No.14, we are satisfied that a case is made out for condonation of delay of

123 days caused in filing the present Interim Application. The present Interim Application is for restoration as well. The matter is pending before this Court since 2013. The Applicant was appearing initially, however, on last two occasions he did not appear and, therefore, the Appeal was dismissed. Since we are satisfied that the explanation tendered by the learned counsel appearing for the Applicant and the delay of 123 days caused in filing the present Interim Application is condoned, the order dated 4.7.2025 dismissing the Appeal for want of prosecution, is recalled and set aside. The Appeal is accordingly restored to the file. The parties are at liberty to get the Appeal circulated.

5. Interim Application is disposed of accordingly.

(SANDESH D. PATIL, J.)

(SARANG V. KOTWAL, J.)

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