

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

INTERIM APPLICATION NO. 940 OF 2026
IN
SUIT NO. 2432 OF 1995

PRAMOD SHANKERLAL TIBREWALA AND ANR.)...APPLICANTS

IN THE MATTER BETWEEN

PRAMOD SHANKERLAL TIBREWALA AND ORS.)...PLAINTIFFS

V/s.

M/S.RAJSHREE BUILDERS AND OTHERS)...DEFENDANTS

Mr.S.B.Rao i/by Ms.Gauri Rao, Advocate for the Applicants.

Mr.Dinesh Parmar, Advocate for the Respondents/Defendants.

CORAM : ABHAY AHUJA, J.

DATE : 27th APRIL 2026

P.C. :

1. This Interim Application seeks restoration of the Suit No.2432 of 1995 which came to be dismissed for non-prosecution on 17th January 2026 as the Plaintiffs were not represented on the said date as well as on 27th November 2025.

2. Mr.S.B.Rao, learned Counsel, appears for the Interim Applicants/ Plaintiffs and submits that the Applicants are Plaintiffs no.1(a) and 1(d) and that the Suit is for a decree declaring that the Plaintiffs are the owners of the property bearing Survey no.416, Hissa No.2 and

Survey No.417, Hissa No.1 respectively bearing C.T.S.No.1200 and 1206 of Malad.

3. Mr.Rao submits that the Plaintiffs have a good case on merits which is why they are seeking restoration of the Suit. Mr.Rao submits that the Suit was being handled by the Plaintiff no.1(b) viz. Mr.Vinod Shankerlal Tibrewala, who was the brother of all the Plaintiffs and well versed with the facts of the case and had been managing the Suit since the Plaintiff no.1(b) had been impleaded. However, due to health issues he was unable to follow up with the Advocate and also take necessary steps pursuant to the order dated 20th August 2025. It is submitted that the said Plaintiff no.1(b) died on 29th December 2025 and there is no delay in filing this application. It is submitted that after the Suit is restored, the application for impleading the legal heirs/representatives of the deceased Plaintiff no.1(b) will be filed.

4. Mr.Rao submits that on 30th January 2026 the Applicant no.1 had contacted the present Advocate when he came to know that the Suit had been dismissed and that a new Advocate has been appointed.

5. Mr.Parmar, learned Counsel appearing for the Respondents/ Defendants submits to the order of this Court.

6. Having heard the learned Counsel and having considered the submissions, however, noting that there is no explanation for non-attendance of the matter on 27th November 2025, the Interim Application is allowed subject to payment of costs of Rs.25,000/- to the Defendants within a period of two weeks.

7. Subject to payment of costs as above, let the Suit be restored to file and be listed on **9th June 2026**.

8. The Interim Application accordingly stands allowed and disposed as above.

(ABHAY AHUJA, J.)