

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1131 OF 2018
WITH
INTERIM APPLICATION NO. 987 OF 2023
WITH
CIVIL APPLICATION (CAF) NO. 3929 OF 2018

Dipak Vishwanath Pingale & Anr.

...Appellants

Versus

Dwarkadas Pragji Vrindavan Charitable
Trust Thr. Managing Trustees & Ors.

...Respondents

.....

Mr. C. G. Gavanekar a/w Mr. Suhas Deokar, Mr. R. M. Haridas for the
Appellants.

Mr. Surel Shah i/by Mr. Sachin Gite for the Respondent Nos.1,2,3,5 & 6.

Mr. Sandesh Patil i/by Mr. Ketan Joshi for Respondent No.7.

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 27th MARCH, 2023.

PC.

1. By an Order dated 31st January, 2020, this Court (Coram
V.G. Bisht, J., former Judge of this Court) passed following Order :

1. *Heard.*

2. *Admit.*

3. *Ad-interim relief, if any, to continue till the next date.*

2. Learned Counsel for the Appellants and Respondents are

ad-idem that the said Order of admission of an Appeal came to be passed inadvertently for, on that day Civil Application No.3939 of 2018 was listed on Board for hearing at Sr. No. 41. The learned Counsel for the Appellants alongwith the learned Counsel for the Respondent No.7 was present at that time. In the said matter, one of the Respondent was dead and, therefore, the matter was adjourned for four weeks in order to take steps and the interim relief was continued in the Civil Application. In fact the First Appeal was not on board on that day. However, said Order dated 31st January, 2020 came to be uploaded in the main First Appeal.

3. A Praecipe to that effect has already been filed by the learned Counsel for the Appellants on 24th February, 2020.

4. As such, the Order dated 31st January, 2020, with the consent of the learned Counsel for the parties, stands recalled.

5. The Appeal be listed for admission on **17th April, 2023.**

6. Meanwhile, ad-interim relief will continue to operate till the next date.

[PRITHVIRAJ K. CHAVAN, J.]