

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

INTERIM APPLICATION (L) NO. 35754 OF 2025
IN
WRIT PETITION (L)/35349/2023

Janak Vakharia
V/S.

....Applicant/Petitioner

The Board of Mumbai Port
Authority & Ors.

....Respondents

Mr. Nipeksh Jain i/b. Wadia Ghandy & Co. for the Applicant.

Mr. Sharan Shetty, a/w Mr. Rahul Jain, Adv. Khushboo Rupani i/b
HSA Advocates for the Respondent No. 1 in IA
(L)/35754/2025.

CORAM: SUMAN SHYAM &
M. M. SATHAYE, JJ.

DATED: 19th NOVEMBER, 2025

PC:-

1. Heard learned counsel for the parties. Perused the Application, which is filed for recall of Order dated 11.10.2025 by means of which, the above writ petition is shown to have been disposed of and for restoration of the Writ Petition.

2. On 29.07.2025, the Writ Petition was listed alongwith a batch of other petitions, before the Prothonotary and Senior Master for removal of office objections and a conditional order was passed granting last chance to the Petitioner/Applicant to remove office objections within 6 weeks, from the date of uploading of order, providing that if Petitioner fails to comply with the same, the petition would stand rejected for non-compliance.

3. After the time of 6 weeks was over, the above writ petition was again listed before this court on 19.09.2025 with a batch of other petitions, when this court had directed that since the matters are fixed for final hearing, save and except office objection pertaining to court fees, other office objections would stand dispensed with.

4. The Petitioner has stated in the Application that his earlier advocate inadvertently did not address necessary praecipe informing about order dated 19.09.2025 and the petition was disposed of on 11.10.2025. It is further stated that Applicant is very much interested and desirous to prosecute and pursue the petition and will suffer serious prejudice if the petition is not restored.

5. Learned counsel for the Respondent No. 1 has opposed the prayer on the ground that when this court had dispensed with the other office objections on 19.09.2025, the petition was already rejected under conditional order, which took effect on 09.09.2025. He therefore submitted the order dated 19.09.2025 could not have been passed for the connected Writ Petition.

6. We have considered the submissions. The objection of the Respondent No. 1, though hyper technical, the effect of order dated 29.07.2025 indeed took place on 09.09.2025. However, as per official website print out, the date of disposal appears to be 11.10.2025. This Application was filed on 10.11.2025 which is on 30th day thereafter. Be that as it may.

7. Assuming therefore that on 19.09.2025, the Court could not have dispense with the objections, the fact remains that in a

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number of similar writ petitions, opportunity has given to other petitioners for final hearing by dispensing with office objections other than court fees. It is nobody's case that court fees are not paid. In that view of the matter, to ensure fair opportunity to the Petitioner and further to ensure that Petitioner should not be non-suited on technical grounds, in view of the averments made on oath, sufficient cause is made out.

8. The Application is therefore allowed. Rejection under the conditional order dated 29.07.2025 and disposal of petition on 11.10.2025 are set aside and WP(L)/35349/2023 is restored to file for hearing and in accordance with law.

9. All the office objections in the petition stand dispensed with, except office objections pertaining to court fees.

10. List the petition alongwith other connected petitions.

(M. M. SATHAYE, J.)

(SUMAN SHYAM, J.)

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