

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

CIVIL APPLICATION NO.1692/2014
IN
SECOND APPEAL NO.57/2001

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S. M. Railkar for the Applicant
Mr. Prabhat J. Dubey i/b. Vincent D'Silva for the Respondent No.1A.

CORAM : K. K. TATED, J.
DATE : OCTOBER 5, 2015

P.C.:

1. Heard. This Application is made by Defendant Nos.1 to 5 for recalling the order dated 14/08/2012 passed by this court which reads thus:

“1. The learned counsel for the appellants states that he received instructions to withdraw the present Second Appeal. Same is granted.

2. Second Appeal is dismissed as withdrawn.”

2. The learned counsel for the Applicant submits that initially, the matter was settled between the parties before Mahatma Gandhi Village Dispute Redressal Committee by agreement dated 27/05/2012.

3. Hence, the Applicant withdrew the Second Appeal on 14/08/2012. He submits that, now, the Respondents are not ready to act as per the agreement dated 27/05/2012. Hence, he made the Civil Application for recalling the order dated 14/08/2012 passed by this court by which the Second Appeal was dismissed as withdrawn. He submits that in the interest of justice, this Hon'ble Court be pleased to allow the Civil Application. He submits that if Application is not allowed, irreparable loss will be caused to the Applicant.

4. Heard both sides at length. It is to be noted that, the Second Appeal was withdrawn by the Applicant unconditionally on 14/08/2012 without disclosing the settlement before the Mahatma Gandhi Village Dispute Redressal Committee. As Second Appeal was withdrawn unconditionally, I do not find any reason to recall the said order. Hence, the Civil Application stands rejected.

JUDGE

CERTIFICATE

Certified to be true and correct copy of the original signed order.