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IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 545 OF 2014
IN
CIVIL REVISION APPLICATION NO. 1094 OF 2002

Ms.Shaeesta D/o. Abdul Gafoor .. Applicant

Vs.

Ahmed Riyazuddin Chougule
Since deceased through legal heirs
1A. Anwar Ahmed Riyazuddin Chougule and others .. Respondents

Mr.Inderpal Singh Nirmale, Advocate for the Applicant.

CORAM : R. G. KETKAR, J.
DATE : 03rd JULY, 2015

P.C. :

. Heard Mr.Inderpal Singh Nirmale, learned Counsel for the applicant.

2. He states that he has instructions to file appearance on behalf of the petitioner in Civil Revision Application No. 1094 of 2002 as also note of appearance in this application. He assures that within one week from today, he will do the needful.

3. By order dated 05/01/2015, this Court issued notice to the respondents and also directed the applicant to file affidavit of service before the returnable date. Mr.Nirmale states that he has filed affidavit of service and all the respondents are duly served. Despite service, none appears on behalf of the respondents. This is an

application for recalling order dated 07/06/2011 by which Revision Application was dismissed for non-prosecution. Mr.Nirmale submitted that by order dated 10/06/2002 after hearing both sides, rule was issued and interim relief in terms of prayer clause (c) was granted. The matter was listed on 07/06/2011 when the applicant and her advocate were absent. Hence, Revision Application was dismissed for non-prosecution. He submitted that for the reasons stated in paragraphs 2 & 3 of the application, order dated 07/06/2011 may be recalled.

4. Despite service, none appears for the respondents. No reply is filed opposing the application. In view thereof and for the reasons stated in paragraphs 2 & 3 which are not controverted, Civil Application is allowed in terms of prayer clause (a) with no order as to costs. Civil Application No. 1094 of 2002 is restored to the file of this Court.

(R. G. KETKAR, J.)