

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
 CIVIL APPELLATE JURISDICTION
 CIVIL APPLICATION NO. 2223 OF 2015
 IN
 WRIT PETITION NO. 328 OF 2015
WITH
 CIVIL APPLICATION NO. 2224 OF 2015
 IN
 WRIT PETITION NO. 334 OF 2015
WITH
 CIVIL APPLICATION NO. 2225 OF 2015
 IN
 WRIT PETITION NO. 333 OF 2015
WITH
 CIVIL APPLICATION NO. 2226 OF 2015
 IN
 WRIT PETITION NO. 329 OF 2015
WITH
 CIVIL APPLICATION NO. 2227 OF 2015
 IN
 WRIT PETITION NO. 331 OF 2015
WITH
 CIVIL APPLICATION NO. 2228 OF 2015
 IN
 WRIT PETITION NO. 332 OF 2015

Shivajirao S. Jondhale

.. Applicant

vs.

Vaishali S. Jondhalre & ors.

.. Respondents

Mr. P.S. Dani, Sr. Advocate i/b Mr. V. V. Salunkhe for the Applicants.
 Mr. Mandar Limaye for Respondent No.1.

CORAM : M. S. SONAK, J.

DATE : 02 SEPTEMBER 2015.

P.C. :-

1] Not on board. Upon production, taken on board.

2] There is no need to clarify the order dated 15 January 2015.
 The order dated 15 January 2015 is basically an order made with
 the consent of all contesting parties.

3] From the tenor of the order, it is quite clear that the parties had agreed that the two change Reports would be considered on their own merits. If at all, there was any issue of condonation of delay involved and one of the parties was serious about pressing such issue, then it is reasonable to presume that such liberty would have been reserved at stage of recording of order by consent. In any case, even if we were proceeding on the basis of some misunderstanding at the stage of passing the order, it is reasonable to presume that misunderstanding would be cleared within reasonable time from making of the order dated 15 January 2015. By the order dated 15 January 2015, the directions are given for disposal of the proceedings on merits within a period of six months. The period of six months is already over and it is at this stage that the clarification is applied for.

4] Accordingly, it is clarified that in terms of the order consented to by contesting parties, the issue of change Reports has to be considered on merits. However, if ultimately, the change Reports are decided against the applicants, in these civil applications, and they chose to take out substantive proceedings (appeal) against such decision, then the applicants will have liberty to raise all issues including the issue that there was no sufficient cause for condonation, in the facts and circumstances of the present case.

5] Accordingly, Civil Applications are disposed of with the aforesaid clarification.

(M. S. SONAK, J.)

CERTIFICATE

“I certify that this Order uploaded is a true and correct copy of original signed Order.”