

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.633 OF 2014
WITH
CIVIL APPLICATION NO.634 OF 2014
IN
CIVIL REVISION APPLICATION NO.60 OF 2009**

Moreshwar Shamrao Jagtap

..Applicant

Vs.

Leela Sudhakar Shiurkar & Ors.

..Respondents

**Mr. Sachin Shetye for the Applicants
None for the Respondents**

**CORAM : R. M. SAVANT, J.
DATE : 3rd FEBRUARY, 2015**

P.C.

1 The above Civil Applications have been listed for directions in view of the difficulty expressed by the office in construing the order dated 16-1-2015 passed in the above Civil Applications by which order the Civil Applications as also the Civil Revision Application came to be disposed of. This Court had proceeded on the basis that the Learned Counsel who appeared on the said day was appearing for the Applicant in the Civil Revision Application, when in fact she was appearing for the Applicant in the above Civil Applications. It is on the said basis that the order came to be passed recording the statement made on behalf of the Learned Counsel who was appearing for the Applicant in the above Civil Applications. The order therefore is required to be clarified.

2 Today Mr. Shetye who is appearing for the Applicants in the above Civil Applications and for the Respondent No.1 in the above Civil Revision Application express his regret for the appearance that was given on the said day. The Learned Counsel further states that the Respondent No.1 in the above Civil Revision Application was the original Plaintiff in the Trial Court and in view of the out of court settlement between the parties, the Plaintiff has withdrawn the Suit and it is in the said context it was stated that the above Civil Revision Application has turned infructuous. The Learned Counsel tenders a letter dated 14-1-2015 addressed to him by the Respondent No.1/original Plaintiff wherein the original Plaintiff has stated about the compromise that has taken place between the parties. The said letter dated 14-1-2015 is taken on record and marked as "X" for identification.

3 In my view, it would be just and proper to clarify the said order dated 16-1-2015. Hence in the first line after the word Applicant the words "in the Civil Applications" to be interpolated. In the third line from the word "the applicant" to the words "disposed of as such" the same to stand deleted and substituted by the following: "the Suit in question has been withdrawn in the Trial Court on account of which withdrawal the above Civil Revision Application has turned infructuous. The above Civil Revision Application is accordingly disposed of as having turned infructuous. In view of the disposal of

the above Civil Revision Application the above Civil Applications do not survive and to accordingly stand disposed of as such.” The original order to stand corrected accordingly including the order which is uploaded on the Server. The parties to be provided certified copies, if applied for.

[R.M.SAVANT, J]