

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

**REVIEW PETITION (L) NO. 43 OF 2009
IN
CHAMBER SUMMONS NO. 1567 OF 2006
IN
EXECUTION APPLICATION NO. 376 OF 2006**

**WITH
NOTICE OF MOTION NO. 2735 OF 2009**

Vipul Bhikalal Kadakia	}	Petitioner
versus		
Tata Iron and Steel Company Limited	}	
and Anr.	}	Respondents

Mr. Gaurang Mehta for the Petitioner.

Mr. Avinash Joshi i/b. M/s. Mulla and Mulla and
Craigie Blunt and Coroe for Respondent No. 1.

**CORAM :- S.C.DHARMADHIKARI, J.
DATED :- AUGUST 21, 2015**

P.C. :-

Having heard both sides and finding that there is sufficient cause for the delay in filing the Notice of Motion, the same is condoned. The Notice of Motion is made absolute accordingly. No order as to costs.

2) I have heard both sides extensively. I have also perused the Chamber Summons which was withdrawn by the Applicant's Advocate on 1st December, 2008.

3) In the light of the fact that the Petitioner in the Review Petition states that the withdrawal of the Chamber Summons was on misconception and not on account of complete instructions, my attention being invited to Order 21 Rule 58 of the Civil Procedure Code, particularly Sub-Rule (2) thereof, interest of justice would be served if the order under review dated 1st December, 2008 is quashed and set aside. It is accordingly quashed and set aside. The Review Petition is made absolute in terms of prayer clause (b). The Chamber Summons to now proceed and in accordance with law. I clarify that this order does not affect the rights and contentions particularly of the contesting Decree Holders.

(S.C.DHARMADHIKARI, J.)