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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 85 OF 2010
IN
LETTERS PATENT APPEAL No. 9 OF 2010
IN
WRIT PETITION No. 8303 OF 2008

Madhusudan Brijlal Vakharia & Anr. ... Applicants
Vs.
The Board of Trustees
of the Port of Bombay ... Respondents

None for the Applicants.

Mr. Vishal Talsania i/b M/s. Motiwalla & Co., for the Respondents.

CORAM : V. M. KANADE, &
Smt. SWAPNA S. JOSHI, JJ.

DATE : SEPTEMBER 14, 2016

PC.

1. None appears on behalf of the Applicants. Heard Mr. Talsania, learned counsel appearing on behalf of the Respondents. By this civil application, the Applicants are seeking recall of the judgment and order dated 5.2.2010 passed by this Court in the LPA. We have perused the said order. Letters Patent Appeal No. 9 of 2010 was

disposed of on merits, viz. on the ground that LPA is not maintainable. In this civil application, it is stated that the Applicants' counsel was busy in some other Court, and therefore he was unable to attend the hearing of the LPA.

2. In our view, this is not a sufficient ground for setting aside the order of dismissal of LPA on merits. Civil application is, therefore, dismissed.

Sd/-

[Smt. SWAPNA S. JOSHI, J.]

Sd/-

[V. M. KANADE, J.]

Vinayak Halemth