

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****REVIEW PETITION NO. 2 OF 2016****IN****APPEAL FROM ORDER NO. 129 OF 2016****Cornelian Properties Private Limited****..... Petitioner****VERSUS****Sudeep Mahendra Shah & Anr.****..... Respondents**

Ms.Rekha Safari for the Petitioner.

Mr.A.Khandeparkar, i/b. Mr.Amogh Karandikar for the Respondent No.1/Original Appellant in Appeal from Order.

Ms.Sheena Rawade for B.M.C.

CORAM : R.D. DHANUKA, J.**DATED : 3rd MARCH, 2016****P.C.**

By this review petition, the review petitioner seeks recall of the order dated 16th February, 2016 passed by this court.

2. Learned counsel appearing for the original appellant submits that the notice of motion is already placed on board by the learned trial judge on 7th March, 2016. He submits that the appellant would serve copy of the rejoinder to the affidavit filed by the Municipal Corporation upon the Legal Department of the Municipal Corporation and upon the learned advocate representing the review petitioner by 5 o'clock tomorrow. The original of the said rejoinder shall be filed by the appellant before the learned trial judge on 7th March, 2016. The statement made by the learned counsel for the appellant is accepted. It is made clear that if the copy of the rejoinder is not served upon the Municipal Corporation as well as upon the

learned advocate representing the review petitioner by 5 o'clock tomorrow, the appellant would not be entitled to rely upon such rejoinder before the learned trial judge on 7th March, 2016.

3. Both the learned counsel state that they will proceed with the hearing of the notice of motion on 7th March, 2016 before the learned trial judge and would not seek any adjournment. The statement is accepted.

4. The learned trial judge shall not grant any adjournment to any of the party on 7th March, 2016 and shall make an endeavor to dispose of the notice of motion on 7th March, 2016 itself.

5. Review petition is disposed of in the aforesaid terms. No order as to costs.

6. Parties as well as learned trial judge to act on the authenticated copy of this order.

[R.D. DHANUKA, J.]