

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
 CIVIL APPLICATION NO.117 OF 2012  
 IN  
 WRIT PETITION NO.223 OF 2009

...

|                             |                |
|-----------------------------|----------------|
| Md.Zubair Md.Aleem Dandu    | ...Applicant   |
| v/s.                        |                |
| State of Maharashtra & ors. | ...Respondents |

...

Mr.R.K.Mendadkar a/w Mr.C.K.Bhangoji for the Applicant.  
 Mr.A.I.Patel, AGP for Respondents Nos.1 to 4.

...

**CORAM : A.S.OKA &**  
**A.A. SAYED, JJ.**

**DATED : 12 JULY 2016**

**P.C.:**

Heard the learned Counsel appearing for the Applicant and the learned AGP for the Respondent. We have perused the averments made in the Application. We have perused the record of Writ Petition No.223 of 2009 and Writ Petition No.175 of 2009. It appears to us that the order passed by the same Division Bench in Writ Petition No.175 of 2009 is inadvertently reproduced in the order dated 16 September 2009 in Writ Petition No.223 of 2009. Therefore, the order dated 16 September 2009 deserves to be recalled. Accordingly, we pass the following order:

**ORDER**

- (i) The Application is allowed in terms of prayer clauses (a) and  
 (b) by recalling the order dated 16 September 2009;

- (ii) Writ Petition No.223 of 2009 is restored to the file, which shall be placed before the appropriate Bench;
- (iii) The Registry shall detach the file of Writ Petition No.175 of 2009 and shall forward the same to the Record Department;

**(A.A. SAYED, J.)**

**(A.S.OKA, J.)**