

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1123/2016
IN
WRIT PETITION NO.2837/2013

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A. G. Garge for the Applicant
Mr. P. J. Thorat for respondent No.1.

CORAM : K. K. TATED, J.
DATE : JULY 21, 2016

P.C.:

1. Heard. This application is for recalling the order dated 31.03.2016 passed by this court (Coram : R. G. Ketkar, J.) in the Writ Petition. The operative part of the said order reads thus:

“7. Mr. Sonawane and Mr. Garge assure that within one week from the receipt of the application, they will file reply and serve copy in advance on the other side. Hence the following order:

a. Order dated 20.03.2013 granting ad-interim relief in terms of prayer clause (c) is modified so as to enable the petitioners to file application in Special Civil Suit No.291 of 1996 for dismissal of the counter-claim set up by Ashok and two others for specific performance of agreement dated 29.06.1995 against Parvatibai and two others. Such application shall be filed within one week from today i.e. on or before 07.04.2016, after

giving advance copy to the other side;

b. Respondents No.1 to 4 and 5 to 7 shall file reply on or before 16.04.2016 and serve copy in advance on the other side;

c. Parties agree to appear before the trial Court on 18.04.2016 and for that purpose, no fresh notice be issued to them;

d. As the stay granted on 20.03.2013 is modified, the learned trial Judge is requested to decide the application within two weeks from 18.04.2016;

e. All the contentions in that regard are expressly kept open.

f. Parties including the trial Court to act upon the authenticated copy of this order.”

2. The learned counsel for the respondent No.1 submits that pursuant to the said order, they made an application before the Trial Court below Exhibit- 131 which was decided by the Trial Court on 26.04.2016. Thereafter they made Civil Revision Application against the said order. In view of subsequent development nothing survives in the Civil Application. Statement is accepted.

3. Hence, the Civil Application stands dismissed as infructuous. No order as to costs.

JUDGE