

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
 CIVIL APPELLATE JURISDICTION
 CIVIL APPLICATION NO.324 OF 2016
 IN
 CIVIL REVISION APPLICATION NO.1081 OF 2014
 (Khatija Saiyed Rafiq Vs. The Court Receiver, High Court)

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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Ms Nidhi Dotiya i/b. Rajeev Sawant & Associates for Applicant.

CORAM : R. G. KETKAR, J.
DATE : 14TH JUNE, 2016

P.C.:

Heard Ms Dotiya, learned Counsel for applicant.

2. This is an application for recalling the order dated 25.04.2016. By that order, C.R.A. was dismissed in default as none appeared for the applicant. Ms Dotiya states that nobody appeared for the respondent though the notice was issued to the respondent on 28.11.2014.

3. As none was appearing for the respondent and for the reasons stated in the application, applicant has made out a case for granting the reliefs claimed in the application. Hence, Civil Application is allowed in terms of prayer clause (a) with no order as to costs. C.R.A. is restored to its original position.

4. Ms Dotiya states that the applicant is in possession and that she has not created third party interest in respect of the suit premises. Applicant will hereafter neither create third party interest nor part with possession of the suit premises. She submits that before the next date of hearing, applicant will deposit the arrears of rent, if any, under due intimation in writing to the respondent.

5. In view thereof, list the Application for 'admission' on 04.07.2016. In the meantime, subject to applicant neither creating third party interest nor parting with possession as also depositing the arrears of rent upto date in this Court, ad-interim order granted earlier shall remain in force.

(R. G. KETKAR, J.)

Minal Parab