

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**REVIEW PETITION NO.114 OF 2016
IN
WRIT PETITION NO.5176 OF 2015**

Ajit D. Lalwani

...Petitioner
(Org.Respondent)

V/s.

Ajay Kumar Garg & Anr.

...Respondents
(Org.Petitioners)

Ms.Soma Singh a/w Mr.Shubro Dey I/by Mr.Vivek Sharma
for the Petitioner.

Mr.Satyam N. Vaishnav a/w Ms.Nupur J. Mukharjee I/by M/s.
N.N. Vaishnawa & Co. for Respondents.

CORAM : K.K. TATED, J.

DATE : 14th OCTOBER, 2016.

P.C.

1. Heard the learned counsel for the parties.
2. Petitioner-Original Defendant filed this Review Petition for review of the order dated 31st March 2016 passed by this Court in Writ Petition No.5176 of 2015. During the course of argument the learned counsel for Review petitioner submits that this Court in paragraph 9 of the impugned order recorded as follows :-

“She further submits that the Trial of the suit was not commenced because the plaintiffs have filed only their affidavit of evidence and compilation of documents, as the plaintiffs have not entered in the witness box for cross-examination.”

She submits that during the course of argument she has not made such submissions. Hence, that sentences to be deleted from the order dated 31st March 2016 passed by this Court.

3. On the other hand the learned counsel Mr.Satyam N. Vaishnav appearing on behalf of Respondent submits that they have no objection for deleting the said sentences from Paragraph 9 of the impugned order. Hence, considering the submissions made by the learned counsel for the petitioner and as the respondent has no objection, the following order is passed.

ORDER

(a) From paragraph 9 of the impugned order dated 31st March 2016 passed by this Court in Writ Petition No.5176 of 2015 the following sentences to be deleted.

“She further submits that the Trial of the suit was not commenced because the plaintiffs have filed only their affidavit of evidence and compilation of documents, as the plaintiffs have not entered in the witness box for cross-examination.”

- (b) Rest of the order remain as it is.
- (c) Review Petition is accordingly, disposed of. No order as to costs.

(K.K. TATED, J.)