

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO.94 OF 2016
IN
WRIT PETITION NO.3121 OF 2016
WITH
WRIT PETITION NO.3121 OF 2016

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.P.D.Dalvi for the petitioner

Mr.Ranjeet H. Patil for the respondent nos.1 and 2

CORAM : K. K. TATED, J.
DATE : JULY 15, 2016

P.C.:

- 1 Heard the learned counsel for the parties.
- 2 By consent of both the parties, matter is taken on board for final hearing at the stage of admission.
- 3 By this Review Petition, petitioner is seeking to review the order dated 15.6.2016 passed by this court in Writ Petition No.3121 of 2016.
- 4 The learned counsel for the petitioner

submits that their Writ Petition No.3121 of 2016 was disposed of by this court by order dated 15.6.2016 on the statement made by the learned counsel for the respondent that Regular Civil Appeal No.201 of 2014 preferred by petitioner before the Appellate Court stands dismissed. He submits that, that appeal was dismissed by the appellate court for non payment of printing charges. Thereafter, they preferred immediately application for restoration as well as application for stay along with delay condonation. He submits that their application for stay was rejected by the appellate court but their application for restoration of appeal is pending till today. Hence, he has preferred the present Review Petition to review the order dated 15.6.2016 and Writ Petition No.3121 of 2016 to be heard on its own merits. These facts are not disputed by the advocate for the respondent.

5 Considering the submission made by the learned counsel for the petitioner and as advocate for respondent has also not disputed the fact that petitioner's application for restoration of Regular Civil Appeal No.201 of 2014 was pending for hearing on its own merits, I am satisfied that petitioner has made out a case to review the order dated 15.6.2016 passed by this court and Writ

Petition No.3121 of 2016 to be heard on its own merits. Hence, following order is passed:

- a) Order dated 15.6.2016 passed by this court is recalled.
- b) Writ Petition No.3121 of 2016 is restored on file for hearing on its own merits.
- c) Office is directed to place Writ Petition No.3121 of 2016 for admission on 3.8.2016.
- d) Ad-interim protection granted by this court (Coram: R.G.Ketkar, J.) on 27.4.2016 in Writ Petition No.3121 of 2016 to continue till next date in Writ Petition.

JUDGE