

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1028 OF 2016
IN
WRIT PETITION NO.5198 OF 1999**

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.A.R. Baxi, Advocate for Applicant.
Ms.Sheetal D. Mishra, Advocate for Respondents No.1B(i) to 1B(iii).

CORAM : R. G. KETKAR, J.
DATE : 21/10/2016

P.C.:

1. Heard Ms.Baxi, learned counsel for the applicant and Ms.Mishra, learned counsel for respondents No.1B(i) to 1B(iii).
2. This is an application for recalling the order dated 12.4.2010 thereby restoring Writ Petition to its original position.
3. By order dated 12.4.2010, the applicant was directed to supply postal stamps within three weeks failing which the petition was to stand dismissed for non-prosecution without further reference to the Court. Ms. Baxi states that the postal stamps were to be supplied for serving only L.Rs. of respondent No.2 Ramniklal Shah, since deceased. She has invited my attention to

the affidavit made by respondent No.1B(i) Hemlata Deepak Shah and in particular paragraph-1. In paragraph-1, it is stated that L.Rs of respondent No.2 are not concerned as partition was effected between Surendra Parmahanlal Shah and Ramniklal Parmanand Shah on 5.7.1951. Respondent No.2 Ramniklal has also sold his share.

4. In view thereof, in view of statement made in paragraph-1 of the affidavit of Hemlata Shah, Ms. Baxi prays for permission to delete L.Rs. of respondent No.2.

5. On the motion made by Ms.Baxi, leave as prayed for is granted. Amendment shall be carried out forthwith. In view of the statement that the conditional order was passed on 12.4.2010 is for supplying postal stamps to L.Rs of respondent No.2 and as L.Rs of respondent No.2 are now deleted, Civil Application is allowed in terms of prayer clauses (b) and (c) with no order as to costs. Writ Petition No.5198/1999 is restored to its original position. Order accordingly.

(R. G. KETKAR, J.)