

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION NO.1863 OF 2015

IN

CIVIL APPLICATION NO.435 OF 2013

IN

SECOND APPEAL NO.216 OF 2013

Shankar Rambhau Dhamole

-vs-

Dnyandev Rambhau Dhamole and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri N. R. Saboo, Advocate for appellant.

Shri M. V. Mohokar, Advocate for respondent No.1/applicant.

CORAM : A.S.CHANDURKAR, J.

DATE : June 21, 2016

Prayer in the application is to recall the order dated 03/03/2015 by which the civil application moved by the appellant for interim relief was disposed of. It is submitted on behalf of the respondent No.1 that on 03/03/2015 the service on the other respondents was awaited and hence the learned counsel for the respondent No.1 was under impression that until the service is complete, the application would not be considered.

On 20/01/2015, an order was passed on Civil Application No.435/2013 that it would be considered after two weeks. The learned counsel for the respondent No.1 was present on said date. On 03/03/2015, the learned counsel for the respondent No.1 did not appear in the Court when it considered the civil application for interim relief. It is to be noted that respondent No.1 was the original plaintiff

and the only contesting party. Hence question of hearing other defendants in the civil application did not arise on said date. Hence I do not find any case for recalling the order has been made out. It would be open for the respondent No.1 to seek variation of the interim order in case such case is made out. Civil application is disposed of.

JUDGE