

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAO) NO. 1757 of 2015
IN
CIVIL APPLICATION (CAS) NO. 4 OF 2015
IN
SECOND APPEAL NO. 326 OF 2002
 Shantabai Chotelal Gupta Vs. Rajesh Madan Puri & Ors.

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

Court's or Judge's Order

Shri V. V. Bhangade Adv for appellant.
 Shri R. Tajne Adv for respondent nos. 1, 2 & 4.

CORAM: A. S. CHANDURKAR J.

DATED: 29th APRIL, 2016.

Prayer in the application is to recall the order dated 02.09.2015 and restore the Civil Application No. 4 of 2015.

Civil Application No. 4 of 2015 came to be rejected on the ground that Second Appeal No. 326 of 2002 was already disposed of and hence such application could not have been moved.

Considering the directions issued in paragraph 21 of the judgment dated 03.05.2012 in Second Appeal No. 326 of 2002 it cannot be said that the prayer made in Civil Application No. 4 of 2015 could not have been made.

In view of aforesaid the order dated 02.09.2015 is recalled and the application bearing Civil Application no. 4 of 2015 is restored to file. It is made clear that this Court has not entered into merits of the prayers made in Civil Application No. 4 of 2015. Civil Application is allowed and disposed of.

JUDGE