

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1056 OF 2017
IN
WRIT PETITION NO. 7412 OF 2015**

Mr. Vincent Francis Lobo (deceased) & Ors	..Applicants
Vs.	
M/s. Ahura Engineering Co. & Ors	..Respondents

**WITH
CIVIL APPLICATION ST NO. 12387 OF 2017
IN
WRIT PETITION NO. 7412 OF 2015**

Mr. Vincent Francis Lobo (deceased) & Ors	..Applicants
Vs.	
M/s. Ahura Engineering Co. & Ors	..Respondents

Mr. Robert C. Sequeira for the Applicants
Mr. Khan Javed Akhtar for the Respondents

CORAM : R. M. SAVANT, J.
DATE : 28th APRIL, 2017

P.C.

1 Civil Application St No.12387 of 2017 is not on board. With the consent of the Learned Counsel for the parties taken on board.

2 The above Writ Petition has been allowed to be withdrawn by order dated 3-3-2016 with liberty to file appropriate proceedings to challenge the order dated 1-2-2014 passed by the Trial Court, as also the order dated 5-5-2015 passed by the Revisionary Court and the order dated 25-6-2013 which was impugned in the above Writ Petition. It seems that the Suit has already

been decreed pursuant to which the Applicants/Petitioners had filed an application under Order IX Rule 13 of the Civil Procedure Code which has been rejected by the Trial Court by refusing to condone the delay in filing the said application.

3 Be that as it may, since the above Writ Petition has already been disposed of, the above Civil Applications filed in a disposed of Writ Petition for the reliefs claimed cannot be entertained. The above Civil Application No. 1056 of 2017 as well as Civil Application St No. 12387 of 2017 are accordingly rejected on the said ground. However, it would be open for the Petitioners to file appropriate proceedings against such orders which the Applicants / Petitioners thinks are against his interest. If any such proceedings are filed, needless to state that the concerned Court would consider the same on their own merits and in accordance with law.

[R.M.SAVANT, J]