

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1294 OF 2017
IN
WRIT PETITION NO.766 OF 2017**

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.Kalpesh Patil i/b. A.R. Kapadnis,
Advocate for the applicant.

CORAM : R. G. KETKAR, J.

DATE : 19/06/2017

P.C.:

1. Heard Mr.Kalpesh Patil, learned Counsel for the applicant.
2. This is an application for recalling the order dated 17.4.2017 passed by this Court thereby restoring the Writ Petition, by condoning the delay of 56 in filing the application as also for dispensing the affidavit in support of the application.
3. Mr. Patil submitted that by order dated 20.1.2017 this Court issued notice to the respondent. He submitted that inadvertently the copy of the petition was not supplied in the office and consequently the office did not issue

notice to the respondent. The applicant also did not file affidavit of service. He submitted that the matter was listed for admission on 17.4.2017. The respondent did not appear on that date. He invited my attention to the reasons given in paragraphs-6 and 7. He, therefore, submitted that the order dated 17.4.2017 may be recalled and the petition may be restored to its original position.

4. In view of the above submissions, Civil Application is allowed in terms of prayer clauses (a), (b) and (c) with no order as to costs. Writ Petition No.766 of 2017 is restored to its original position. Civil Application is disposed of accordingly.

(R. G. KETKAR, J.)