

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION 1764/2016
IN
WRIT PETITION NO.1156/2016

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. A. B. Tajane for the applicant
Mr. K. N. Kandekar for the petitioner
Mrs. Vaishali Nimbalkar, AGP for respondent Nos.1 to 3.

CORAM : K. K. TATED, J.

DATE : JUNE 12, 2017

P.C.:

1. Heard. This application is made by the respondent No.4 for recalling the order dated 07.06.2016 in Writ Petition No.1156/2016 to the extent of granting stay/interim order in terms of prayer clause (b).

2. It is the case of the advocate for the applicant that when the matter was on board on 07.06.2016, at that time, he was held-up in another matter. Hence, his junior advocate requested to keep back the matter. In spite of that the court has passed the order. In support of his contention, the learned counsel for the applicant

placed on record affidavit dated 15.06.2016 of the applicant Madhukar Bhimrao Jadhav. The learned counsel for the applicant submits that the said order was passed without hearing the applicant and/or considering the applicant's case on its own merits. Hence, said order is required to be recalled.

3. The learned counsel for the applicant also made a prayer for fixing the early date of hearing on its own merits.

4. The learned counsel for the petitioner vehemently opposed the Civil Application. His contention is that the said order was passed after hearing both sides. Therefore, there is no question of recalling the said order to the extent of granting stay.

5. Heard both sides. It is to be noted that the order was passed by this court on 07.06.2016, thereafter the applicant made the present Civil Application on 16.06.2016. The order dated 07.06.2016 shows that the same was passed after hearing both sides. Considering these facts, I do not find any reason to rely on the affidavit filed by the applicant dated 16.06.2016 in support of the Civil Application.

6. Hence, the Civil Application stands rejected.

7. Liberty granted to the applicant, if he so desire, to make an appropriate application for expeditious hearing of the Writ Petition, which will be decided on merits.

JUDGE