

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 959 OF 2017
IN
SECOND APPEAL NO. 847 OF 2016

Mrs. Asmita Abhay Patil	...	Applicant
<u>In the matter between</u>		
Shri. Ashok Prabhakar Joshi and others	...	Appellants
Versus		
Mrs. Asmita Abhay Patil and others	...	Respondents

Mr. Prashant Patil for the Applicant in C.A. No.959/17 and Org. Respondent No.1.
Mr. Rajesh Parab for the Original Appellant.
Respondent No.2-B present in the Court.

CORAM : S.J. KATHAWALLA, J.
DATED : 11TH JULY, 2017

P.C.:

1. The above Civil Application is taken out by the Applicant (Original Plaintiff) inter-alia for the following reliefs :-

(a) That this Hon'ble Court be pleased to recall the order dated 24/10/2016 passed by this Hon'ble Court in Second Appeal No.847 of 2016 and in Civil Application No.1663 of 2016.

(b) Pending the hearing and final disposal of the present Civil Application, the order passed in Civil Application No.1663 of 2016 may kindly be suspended.

2. It is submitted on behalf of the Applicant that though a Caveat was filed by her through her Advocate she and / or her Advocate were not served with a notice before the Second Appeal was admitted and ad-interim reliefs granted in Civil Application No.1663/2016.

3. Since Section 100 of the Code of Civil Procedure, 1908, provides that if the Court is satisfied that a substantial question of law is involved in any case, it shall formulate that question and the Respondent shall be heard on the question so formulated at the hearing of the Appeal, the question of recalling the order of admission does not arise. However, the ad-interim order passed by this Court dated 24th October, 2016 in Civil Application No.1663/2016 is recalled and the Civil Application be placed for hearing and final disposal on 25.07.2017, high on Board. Since the Civil Application No.1663/2016 is placed for hearing and final disposal on 25th July, 2017, the parties are directed by this fresh order to maintain status-quo in respect of the suit property upto 25.07.2017.

4. The Civil Application is accordingly disposed off.

(S.J.KATHAWALLA, J.)