

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2359 OF 2015
IN
WRIT PETITION NO.6353 OF 2011

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.Chetan Mali, Advocate for the Applicants.
 Ms. Hansa Ashar i/b. V.A. Madane, Advocate for Respondent No.1.

CORAM : R. G. KETKAR, J.
 DATE : 31/07/2017

PC.:

1. Heard Mr.Chetan Mali, learned Counsel for the applicants and Ms.Hansa Ashar, learned Counsel for respondent No.1, at length.

2. This is an application for recalling the order dated 12.8.2013 passed by this Court in W.P. No.6353/2011. By that order, this Court vacated the interim order. Mr. Mali submitted that after hearing both sides, by order dated 29.3.2012, the Petition was admitted by issuing Rule by observing that arguable questions are raised and Rule on interim relief was made returnable after four weeks. In the meantime, ad-interim order in terms of prayer clause (b) was granted.

3. The matter was heard on 12.8.2013 and time was sought on the ground of personal difficulty of the

Advocate on record. This Court noted that on 9.7.2013 also the matter was adjourned on payment of cost of Rs.750/-. Mr.Mali submitted that the cost is paid by the applicants. As again time was sought, hearing of this Petition was adjourned to CMIS date and interim relief was vacated. He submitted that as the Advocate on record was in personal difficulty, adjournment was sought.

4. On the other hand Ms.Ashar seeks time on the ground that the parties are trying to explore the possibility of settlement.

5. Having regard to the fact that the Petition was admitted after hearing both sides and ad-interim order in terms of prayer clause (b) was granted, in my opinion, ends of justice will be served by restoring the ad-interim relief in terms of prayer clause (b) of the petition.

6. In view thereof, Civil Application is allowed in terms of prayer clause (ia) and ad-interim order dated 29.3.2012 stands restored. No order as to costs. Order accordingly.

(R. G. KETKAR, J.)