

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.18 OF 2017
IN
REVIEW PETITION (ST.) NO.26823 OF 2016
IN
CIVIL REVISION APPLICATION NO.1139 OF 2014

Narottam Shivji Thakkar and others ... Applicants
Vs.
Bharat Petroleum Corporation Limited and another ... Respondents

Mr. Aarif Bookwala, Senior Advocate a/w. Ms Priya Ranade a/w. Mr. S. Vora
and Ms Nupur Desai i/b. M/s. Markand Gandhi & Co. for Applicants.
Mr. S. R. Page for Respondent No.1.

CORAM : R. G. KETKAR, J.
DATE : MARCH 22, 2017

P.C. :

Heard Mr. Bookwala, learned Senior Counsel for applicants and
Mr. Page, learned Counsel for respondent No.1.

2. This is an application for condonation of delay of 18 days in
filing the Review Petition. After perusing the application, I am satisfied
that applicants have made out sufficient cause for condoning the delay
of 18 days. Hence, Civil application is allowed in terms of prayer clause
(a) with no order as to costs. Office is directed to register the Review
Petition.

REVIEW PETITION (ST.) NO.26823 OF 2016

At the request of Mr. Bookwala, Review Petition is taken up for
admission.

2. Mr. Bookwala invited my attention to the order dated 09.08.2016

passed in C.R.A.No.1139 of 2014, and in particular paragraph 9 thereof. Paragraph 9 reads thus,

“9. As noted earlier, the defendants have instituted Suit No.27 of 2003 in this Court for specific performance of contract of Minutes of Meeting dated 17.10.2000. The observations made in the impugned orders and this order will not come in the way of the defendants in prosecuting the said suit.”

3. He submitted that the sentence “the observations made in the impugned orders and this order will not come in the way of the defendants in prosecuting the said Suit” may be deleted or in the alternative, petitioner will not press the Petition if it is clarified that all contentions of the parties on merits in S.C. Suit No.6335 of 2003 for specific performance are kept open.

4. In view thereof, it is clarified that all contentions of the parties in S.C.Suit No.6335 of 2003 pending before the City Civil Court, Mumbai are expressly kept open. Petition is disposed of as not pressed. Order accordingly.

(R. G. KETKAR, J.)

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