

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Civil Application No. 345 OF 2017

IN

Civil Application NO. 280 OF 2017

in

Civil Revision Application No.357 of 2017

Om Apollo Medicare Private Limited ...Applicant

Versus

Sumer Corporation And Ors. ...Respondents

Dr.Birendra Saraf with Ms.Pooja Kshirsagar with Mr.Rajeev Carvello with Mr.Hiren Shah i/b. Prakash and Co., for the Applicant.

Mr.Vineet Naik with Mr.Chetan Kapadia with Mr.Karlll Tamboly and Ms..| Kausar Banatwala i/b. Mr.Rushar Goradia, for Respondent No.19.

CORAM : G. S. KULKARNI, J.**DATE : DECEMBER 11, 2017****P.C.:**

By this Civil application the applicant-respondent no.10 has prayed for recall and setting aside of the order dated 12 October 2017 passed by this Court in granting Civil Application No.280 of 2017, on the principal ground of absence of notice enabling it to remain present at the hearing of the application, as taken up on 12 October 2017.

2. After the civil application was argued for some time, Mr.Naik, learned Senior Counsel appearing for respondent no.19 on instructions fairly states that his client has no objection for recall of the order dated 12 October 2017 passed in Civil Application No.280 of 2017, and the parties

be heard on the said civil application.

3. Accordingly, by consent Civil Application is allowed in terms of prayer clause (a). No costs.

4. Let Civil Application No.280 of 2017 be listed alongwith the Civil Revision Application.

5. All contentions of the parties on merits are kept open.

(G.S. KULKARNI, J.)