

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.3102 OF 2016
IN
WRIT PETITION NO.6448 OF 2016**

**Maruti Balu Kamat : Applicant/Org. Respondent No.1
V/s.**

Ningappa Bhavku Kalkhambkar : Respondent/Org.Petitioner.

Mr. A S Patil for the Applicant/Original Respondent No.1.

Mr. D A Patil for the original Petitioner.

**CORAM : R. M. SAVANT, J.
DATE : 13th January 2017**

P.C.

1 The above Civil Application has been filed for recall of the order dated 17/11/2016 passed in the above Writ Petition. By the said order the above Writ Petition has been admitted and ad interim reliefs in terms of prayer clauses (b) and (c) have been granted.

2 It is the case of the Applicant that he has received the notice in respect of the Petition intimating him that the Petition would be heard for admission on 18/11/2016 whereas the Petition was moved and was placed for admission on 17/11/2016 and hence the Applicant/Original Respondent No.1 could not appear on the said day resulting in the Petition being admitted and the ad-interim reliefs being granted.

3 An affidavit in reply has been filed on behalf of the original

Petitioner explaining the circumstances in which the Petition was moved and was placed for admission on 17/11/2016. The learned counsel appearing on behalf of the original Petitioner Shri D A Patil draws this Court's attention to the averments made in paragraph 4 of the affidavit in reply wherein it is stated to the following effect :-

“The Petitioners are agreeable for rehearing the Petition and the Petition may be placed for hearing again”

The said statement is reiterated by the learned counsel appearing on behalf of the original Petitioner Shri D A Patil during the course of hearing of the above Civil Application.

4 In view of the averments made in the affidavit in reply as also in view of the statement made by the learned counsel for the original Petitioner Shri D A Patil across the bar, the order dated 17/11/2016 admitting the Petition and granting ad-interim reliefs in terms of prayer clauses (b) and (c) is required to be recalled and is accordingly recalled. The above Petition to be placed for admission on 24/01/2017. However, the parties are directed to maintain status quo as on date. The above Civil Application is accordingly disposed of.

[R.M.SAVANT, J]