

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 424 OF 2017

IN

WRIT PETITION NO. 8955 OF 2016

Citybank N.A.] Applicant

IN THE MATTER BETWEEN

Citybank N.A.] Petitioner

Vs.

Shri Ravindra Kumar Singh & Ors.] Respondents

.....

Mr. Rakesh Singh i/b M.V. Kini & Co, for applicant.

Mr. Sanjay S. Gawde, for respondent No.1.

.....

CORAM : R.G. KETKAR, J.

DATE : 19TH JUNE, 2017.

P.C.

Heard Mr. Singh, learned Counsel for the applicant
and Mr. Gawde, learned Counsel for respondent No.1.

2. This is an application for recalling the order dated 20th December, 2016, thereby, restoring Writ Petition. Civil Application was heard on 1st March, 2017 and Rule was issued. Mr. Singh submits that respondent No.3 is served and to that

effect applicant has filed affidavit of service dated 21st March, 2017. Mr. Singh submits that applicant has filed affidavit of service stating therein that respondent No.2 is served. It is common ground between the parties that respondent No.1 is contesting party. Mr. Gawde strenuously opposed the application on the ground that no sufficient cause is made out for recalling the order dated 20th December, 2016.

3. I have considered submissions advanced by learned Counsel for the parties. I have also perused the record. Writ Petition was dismissed in default on 20th December, 2016. Civil Application is taken out on 23rd December, 2016. In view thereof and for the reasons stated in the application, I am satisfied that applicant has made out a case. Hence, Rule is made absolute in terms of prayer clause (a) with no order as to costs. Writ Petition No. 8955 of 2016 is restored to its original position. Order accordingly.

[R.G. KETKAR, J.]