

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

**CIVIL APPLICATION NO.619 OF 2018
along with
CIVIL APPLICATION (ST.) NO.5659 OF 2018
IN
WRIT PETITION NO.5731 OF 2014**

Sakharam Balu Jadhav & Ors. .. Applicants
Vs.
Chandrakant Ramchandra Sawant & Anr. .. Respondents

Mr.Harshad Sathe i/by Mr.S.C. Mangte for the applicants.
Ms.Leena R.Temkar for the respondent no.1.
Mr.S.D.Rayrikar, AGP for the respondent nos.3 to 5.

CORAM : R.D. DHANUKA, J.
DATE : 12th March 2018

P.C.:

. By this Civil Application No.619 of 2018, the applicants seek recall of order dated 26th February 2018 passed by this Court dismissing the writ petition on the ground that the applicants have not taken necessary steps to bring the legal heirs of the petitioner no.4 on record.

2. I have perused the papers and proceedings of the Civil Application (St.) No.5659 of 2018 which was filed by the applicants on 15th February 2018 for bringing the legal heirs of the petitioner no.4 on record. Inadvertently, the said civil application was not brought to the notice of this Court while this Court passed the order dated 26th February 2018 dismissing the writ petition.

3. The order dated 26th February 2018 passed by this Court in Writ Petition No.5731 of 2014 is accordingly recalled. Writ Petition is restored to file. Civil Application No.619 of 2018 is disposed of in aforesaid terms. No order as to costs.

4. In so far as the Civil Application (St.) No.5659 of 2018 is concerned, the respondent no.1 is permitted to file affidavit-in-reply within two weeks from today. It is made clear that no further extension would be granted. A copy of the affidavit-in-reply shall be served upon the applicants' advocate simultaneously. Rejoinder, if any, shall be filed within one week from the date of service of affidavit-in-reply and a copy thereof shall be served upon the respondents' advocate simultaneously.

5. Place the Civil Application (St.) No.5659 of 2018 on board for 'hearing and final disposal' on 11th April 2018.

R.D. DHANUKA, J.