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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1701 OF 2017
IN
WRIT PETITION NO.1319 OF 2016

WITH
WRIT PETITION NO.1319 OF 2016

Rohidas G. Deokar

...Applicant /
...Petitioner

V/s.

Sanjay K. Deokar & Anr.

...Respondents

Mr.Vaibhav Patankar for the Applicant / Petitioner.

None for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 28TH JUNE, 2018.

P.C. :-

1. By this civil application, the applicant seeks recall of the order dated 14th June, 2017 passed by this Court dismissing the Writ Petition No.1319 of 2016 for default.
2. Heard learned counsel appearing for the applicant and have perused the averments made in the civil application. The applicant has made out a case for grant of relief in terms of prayer clause (a).
3. For the reasons recorded in the civil application, the civil

application is made absolute in terms of prayer clause (a). The order dated 14th June, 2017 is recalled. The Writ Petition No.1319 of 2016 is restored to file.

4. Issue notice upon the respondent, returnable on 7th August, 2018. In addition to the Court notice, the petitioner is permitted to serve the respondent by private notice i.e. by registered A.D. / courier / hand delivery and shall file affidavit of service before the next date.

5. Affidavit in reply shall be filed within two weeks from the date of service of the papers and proceedings and a copy thereof shall be served upon the petitioner's advocate simultaneously. Rejoinder, if any, shall be filed within one week from the date of service of the affidavit in reply and a copy thereof shall be served upon the respondents' advocate simultaneously.

6. Place the writ petition on board for admission on 7th August, 2018.

(R.D. DHANUKA, J.)