

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

**CIVIL APPLICATION NO. 2276 OF 2018
IN
WRIT PETITION NO. 4127 OF 2007
(In Chambers)**

Janata Sahakari Bank Ltd.	}	Applicant
versus		
M/s. Good Earth Industries	}	
Ltd. and Ors.	}	Respondents

Mr. Atul Damle-Senior Advocate with
Mr. Aniruddh Lad I/b. BJ Law Offices
for the applicant.

Mr. Satyan Vaishnav with Ms. Noopur
Mukharjee I/b. M/s. N. N. Vaishnav and
Co. for respondent no. 5.

Mr. Sandesh Deshpande for
respondent no. 6.

CORAM :- S.C.DHARMADHIKARI, J.

DATED :- OCTOBER 17, 2018

P.C. :-

1. Affidavit in reply of the legal heir of respondent no. 5 is taken on record. Applicant proceeds on denials.

2. Leave to amend to bring the legal heir of respondent no. 5 on record in this civil application. Amendment to be carried out within one week from today. Mr. Vaishnav accepts notice on

behalf of the heir of respondent no. 5 and says that the vakalatnama would be filed within two weeks from today.

3. Heard Mr. Damle learned senior counsel appearing for the applicant and Mr. Vaishnav appearing for original respondent no.5, since deceased, through his legal heir.

4. Having heard Mr. Damle at some length, I am of the opinion that the order passed on the main writ petition does not require any clarification. In the event, relying upon some observations in that order, a decision is rendered by this court which is adverse to the interest of the applicant in this civil application, then, while challenging it, appropriate contentions can always be raised. I do not think that the applicant is prevented or prohibited from raising such contentions, in view of any observation in the order passed by me on the main writ petition. Such contentions are kept open for being raised and equally considered irrespective of this order. In these circumstances, the civil application is misconceived and it is dismissed. There would be no order as to costs.

(S.C.DHARMADHIKARI, J.)