

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL APPLICATION NO. 678 OF 2018****IN****WRIT PETITION NO. 5626 OF 2016****Rajabhau Eknath Karade****..... Applicant****VERSUS****Ankush Ambadas Nitave & Ors.****..... Respondents****Mr.Sarvadnya Kadtare, i/b. Mr.S.S.Chaudhari for the Applicant.****CORAM : R.D. DHANUKA, J.****DATE : 14th JUNE, 2018****P.C.**

By this civil application, the applicant seeks recall of the order dated 11th October,2017 passed by this court dismissing the writ petition for want of prosecution. Heard learned counsel for the applicant and I have perused the averments made in the civil application. For the reasons recorded in the civil application, order dated 11th October,2017 passed by this court is recalled. Writ Petition No.5626 of 2016 is restored to file on the condition that the petitioner will not seek any adjournment in the writ petition as and when is heard. Civil application is disposed of in the aforesaid terms. No order as to costs.

2. The applicant is permitted to serve the respondents by private notice of the Writ Petition No.5626 of 2016 i.e. by Registered A.D., courier or Hand Delivery and shall file affidavit of service before the next date.

3. Affidavit in reply, if any, shall be filed within two weeks from the date of service of the writ petition 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.

4. Place the writ petition on board for admission on **17th July, 2018**.

[R.D. DHANUKA, J.]