

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL APPLICATION NO. 2915 OF 2017****IN****WRIT PETITION NO. 1156 OF 2016****Defence R & D Co-operative Housing
Society Ltd.****..... Applicant****IN THE MATTER BETWEEN****Defence R & D Co-operative Housing
Society Ltd.****..... Petitioner****VERSUS****State of Maharashtra & Ors.****..... Respondents**

Mr.K.N.Kandekar for the Applicant/Petitioner.

Mr.S.D.Rayrikar, A.G.P. for the State – Respondent nos.1 to 3.

Mr.A.B.Tajane for the Respondent no.4.

CORAM : R.D. DHANUKA, J.**DATE : 14th JUNE, 2018****P.C.**

By this civil application, the applicant seeks recall of the order dated 9th August,2017 passed by the learned Registrar (Judicial-I) dismissing the writ petition on the ground that the petitioner had failed to supply copies of the petition.

2. Civil application is vehemently opposed by Mr.Tajane, learned counsel appearing for the respondent no.4 on the ground that the civil application is verified by Mr.Krishna G.Kakade on behalf of the applicant society though he was not the secretary of the petitioner society on the date of affirmation of the said writ petition.

3. Mr.Kandekar, learned counsel for the applicant tenders a copy of the extract of the authority letter dated 10th October,2017 certifying that Mr.K.G.Kakade and Mr.H.S.Goud, managing committee members of the society are authorized to attend all legal matters per the managing committee meeting held on 10th October,2017. The authority letter is taken on record and marked 'X' for identification.

4. There is no other objection raised to oppose this civil application. The objection raised by Mr.Tajane, learned counsel for the respondent no.4 has thus no merit. I, therefore, pass the following order :-

(a) The order dated 9th August,2017 passed by the learned Registrar (Judicial-I) is recalled. Writ Petition No.1156 of 2016 is restored to file along with the interim order passed by this court on 7th June, 2016.

(b) Mr.Rayrikar, learned A.G.P. for the respondent nos. 1 to 3 and Mr.Tajane, learned counsel for the respondent no.4 waives service. Statement is accepted. In view of the statement made by the learned counsel for the respondents, the applicant is not required to furnish copy of the petition as directed by the learned Registrar (Judicial-I).

5. Civil application is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]