

Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 211 OF 2018
IN
WRIT PETITION NO. 11751 OF 2017

Sushil S Khiwansara	...Applicant
<i>In the matter between</i>	
Vinayak D Tambe & Anr	...Petitioners
<i>Versus</i>	
Sushil S Khiwansara	...Respondent

Mr Pandit Kasar, *for the Petitioner.*
Mr Shriram S Kulkarni, *for Applicant and Respondent No.1.*

CORAM: G.S. PATEL, J
DATED: 19th March 2018

PC:-

1. The Civil Application seeks a review of my order dated 3rd November 2017.
2. I will allow the Civil Application on one limited ground.
3. It seems that when I passed my order of 3rd November 2017, it was not noticed that the Respondent said to be appearing in person, Mr Sushil Subhash Khiwansara, had filed an appearance note and a Caveat. The Petitioner says that the Caveat was never

served. While that might be true, the fact is that the board listing for that date, 3rd November 2017, shows the name of the Respondent and against that specifically shows that a Caveat and a VP were filed.

4. Even if, technically speaking, admission of a Petition is a matter between the Petitioner and the Court, certainly the Respondent was entitled to be heard on the question of stay before I granting the stay in paragraph 3 of the order in question.

5. The order of 3rd November 2017, on this limited ground, must be recalled. The order of 3rd November 2017 is recalled and set aside. The Writ Petition No. 1175 of 2001 will be listed for admission and interim reliefs before the Court to which this matter is assigned.

6. Liberty to the Petitioner to mention the matter before that Court for an early date.

7. The Civil Application No. 211 of 2018 is disposed of in these terms with no order as to costs.

(G. S. PATEL, J)