

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3180 OF 2019

Chilveri R. Krushna & Ors.

...Petitioners

V/s.

The State of Maharashtra & Ors.

..Respondents

Mr. Munsif Khan a/w. Mr. Imran Farooqui i/b.K.Juris. Advocate for the Petitioners.

Mr. C.D. Mali, AGP for Respondent Nos.1 and 2.

Ms. Asha Nair i/b. Diamondwala & Co., Advocate for Respondent No.5.

CORAM : S.S. SHINDE, J.

DATE : 20th MARCH 2019

P.C. :

1. The learned counsel for the petitioners has tendered across the bar affidavit of the petitioners. Same is taken on record.
2. This Court on 15.03.2019 allowed the learned counsel for the petitioners to withdraw the writ petition. The limited protection of two weeks was granted to the petitioners so as to enable the petitioners to file the appeal. The petition was disposed of in the morning session on 15.03.2018. Ms. Asha Nair, learned counsel for Respondent No.5 mentioned the matter at 3.00 p.m. on 15.03.2019

and made grievance that though she appeared for Respondent No.5 on 14.03.2019 before the Court (Coram : Shri. M.S. Sonak, J), no notice was given to her before circulating the matter for urgent orders before this Court, on 15.03.2019.

3. The petitioners have filed the affidavit. It is stated in the said affidavit that due to urgency the petitioners tried to serve Respondent Nos.5 and 6 at their site office at Gandhi Nagar Estate, Mumbai. However, the office bearers of Respondent Nos.5 and 6 refused to accept the notice dated 14.03.2019.

4. Ms. Asha Nair, the learned counsel for Respondent No.5 submits that, in the first place she was informed before circulating the petition for urgent hearing, and secondly petitioners should have made efforts to serve Respondent Nos.5 and 6 on address of their main office.

5. It is true that the learned counsel for the petitioners should have informed Advocate Ms. Asha Nair that, they are circulating the petition for urgent hearing before this Court on 15.03.2019, and secondly, the petitioners should have made sincere attempt to serve the Respondent Nos.5 and 6 on the address of their main office.

6. Be that as it may, since this Court on 15.03.2019 had

disposed of the petition granting limited protection of two weeks to the petitioners so as to enable them to approach the appellate authority with clear understanding that, no prayer for extension of said protection/time will be entertained, there is no point in further considering the objection raised by the learned counsel for Respondent No.5.

7. This Court has already made it clear in its order dated 15.03.2019 that, this Court has not expressed opinion on the merits of the contentions raised by the petitioners or by the respondents and it is for the parties to prosecute further proceedings initiated by the petitioners before the appellate authority on its own merits.

8. The learned counsel appearing for the petitioners assures that, before filing appeal before the appellate authority, copies of such appeal with annexures, will be served upon the Respondent No.5 on his main office address.

9. The motion stands disposed of.

(S.S. SHINDE, J.)