

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3994 OF 2019

Anita P. Bhoir .. Petitioner
vs.
Maharashtra Industrial
Development Corporation
and anr. .. Respondents

Mr. Pradeep D. Dalvi for the Petitioner.
Mr. Vivek Kantawalla a/w. Mr. Amey Patil and Ms Shruti
Anurag i/b M.M. Legal Associates for Respondent No.2.

CORAM : M. S. SONAK, J.
DATE : 02 APRIL 2019.

ORAL JUDGMENT :-

1] Heard Mr. Dalvi, learned counsel for the petitioner and
Mr. Vivek Kantawalla, learned counsel for respondent No.2.

2] Mr. Dalvi, learned counsel for the petitioner, states
that respondent No.1 is already served. In any case, in the
order which is proposed to be made, presence of respondent
No.1 is really not necessary.

3] In view of above, Rule. With the consent of and at the
request of learned counsel for the parties, Rule is made
returnable forthwith.

4] The challenge in this petition is to the order dated 25th February 2019 by which the learned Trial Judge has corrected the deposition of Anil G. Lunker, who was examined on behalf of respondent No.2.

5] The impugned order was made on basis of an application taken out by respondent No.2. However, the application was neither supported by any affidavit of Anil G. Lunker nor was the application made by Anil G. Lunker himself. The relief in the application is to correct in the deposition of Anil G. Lunker. In such circumstances, the application should have been made by Anil G. Lunker himself, duly backed by his affidavit.

6] On the aforesaid short ground, the impugned order dated 25th February 2019 is set aside. However, this shall not preclude Anil G. Lunker from filing an application in the context of his deposition before the Court.

7] Mr. Kantawalla, learned counsel for respondent No.2, states that such application will be filed within 15 days from

today. In case, the petitioner desires to file a reply, the same may be filed within one week from the date of receipt of such application. The learned Trial Judge is directed to dispose of such application as expeditiously as possible and in any case within a period of one month from the date of the same is filed. Such application will have to be considered and disposed of on its own merits and in accordance with law.

8] The hearing in the review petition instituted by respondent No.2 is to be deferred until disposal of the application by Anil G. Lunker. In case, the application filed by Anil G. Lunker is allowed, the revision petition should not be taken up for a period of at least two weeks thereafter.

9] Rule is made absolute in the aforesaid terms. There shall be no order as to costs.

10] It is made clear that this Court has not adverted to the rival contentions on merits and therefore, all contentions of all parties are kept open to be determined by the learned Trial Judge.

11] All concerned to act upon an authenticated copy of this order.

(M. S. SONAK, J.)