

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.2420 OF 2017
IN
WRIT PETITION NO.8115 OF 2016**

Vasudeo Ramchandra Nautiyal .. Applicant.

Vs.

The Member,

Industrial Court and Ors. .. Respondents.

Mr.Kanchanpurkar Gautam Tatoba for the Applicant.

Mr.Anand Pai, Ms.Vaishali Shah i/b Haresh Mehta & Co. for the Respondent
Nos.2 to 4.

CORAM : A.K. MENON, J.

DATED : 8TH JANUARY, 2019

P.C. :

1. Heard.
2. This Civil Application seeks recall of the order dated 21st August, 2018 passed in Writ Petition No.8115 of 2016 permitting the petitioner to withdraw the petition. Learned Advocate for the petitioner-applicant has contended that request for withdrawal was inadvertent, although on instructions of the petitioner, who had arrived at consent terms in L.E. & C. Suit No.15/17 of 2013 on the file of the Small Causes Court at Mumbai.

3. In those consent terms, the petitioner had undertaken that Criminal Revision Application No.192 of 2016 which was pending in this Court was to be withdrawn. He submits that inadvertently instructions to withdraw the writ petition was given to the Advocate. The Criminal Revision Application was later withdrawn on 27th September, 2017, obviously, after the order dated 21st August, 2017 was passed.
4. The Civil application is opposed by Mr.Pai on strength of the affidavit in reply on behalf of respondent nos.2 to 4 dated 9th March, 2018.
5. Having heard counsel for the parties, I am of the view that there is merit in the application seeking recall of the order dated 21st August, 2017. It would be open for the respondents to oppose the writ petition on merits. Hence, I pass the following order :
 - (i) Civil Application is allowed in terms of prayer clause (a) and (b).
 - (ii) Place the Writ Petition for admission on 21st January, 2019.

(A.K. MENON,J.)