

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.72 OF 2019 IN
WRIT PETITION NO.1401 OF 2015

Arun Madan Tak ...Applicant
vs.
State of Maharashtra & Ors. ...Respondents

Mr.Abhijit Kulkarni for the Applicant
Ms Siddhi Bhosale I/b Ms Jyoti Chavan for the
petitioner
Mr.Y.S.Khochare, AGP for the Respondent No.1.

CORAM : A.S.OKA AND
RIYAZ I. CHAGLA, JJ.
DATE : APRIL 24, 2019

P.C.:

1 Heard the learned counsel for the applicant who
is the respondent No.5 in the Writ Petition. We have
also heard the learned counsel for the writ
petitioner. By Judgment and Order dated 2nd May 2018,
Writ Petition was finally disposed of. The prayer in
this application is for recall of the said Judgment
and Order on the ground that the notice for final
disposal was not served upon the applicant.

2 By order dated 7th March 2018, notice for final disposal was issued which was made returnable on 23rd April 2018. Though the applicant was represented by an Advocate, he did not waive service of notice. In fact, on that day, he had sought time to take

instructions. We have perused the Farad Sheet of the Writ Petition. It appears that in terms of the order dated 7th March 2018, notice was not issued to the applicant and in fact the office remark is that copies were not supplied. Perhaps, when the petition was called out on 2nd May 2018, this remark was not brought to the notice of the Court and that the Court proceeded on the footing that the respondent No.5 (the present applicant) has been served with the notice for final disposal.

3 Therefore, final Judgment and order will have to be recalled only on the ground that notice for final disposal was not served upon the present applicant who is the respondent No.5 in the Writ Petition.

4 Accordingly, Civil Application is allowed in terms of prayer clauses (a) and (b).

(RIYAZ I. CHAGLA,J.)

(A.S.OKA,J.)