

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

REVIEW PETITION NO.150 OF 2018

IN

WRIT PETITION NO.6905 OF 2018

M/s. Surya Developers through its Partner ...Applicant/
(Ori. Respdt.No.1a)

In the matter between
Rekhmabai Sitaram Patil and Ors.
(since deceased through L.R.s.)

...Petitioners

vs.

M/s. Surya Developers through its Partner ...Respondents

Mr. G.N. Salunke i/b. Ms. Kalpana Tripathi, for the
Applicant/Review Petitioner.

Mr. Rohit Joshi, for the Respondent Nos. 2 to 7.

Mr. Vilas Tapkir, for the Petitioner in W.P.No. 6905 of 2018

CORAM : R.D. DHANUKA, J.

DATE : JANUARY 07, 2019

P.C.:

. Heard learned counsel for the Review Petitioner
(Original Respondent No.1a) and learned counsel for the Original
Petitioners.

2. By consent of the parties, the following order is passed.

3. The order dated 28th August, 2018 passed by this Court
in Writ Petition No. 6905 of 2018 is recalled.

4. Rule.

5. The Respondent No. 1 waives service.

6. By consent of parties, rule is made absolute in terms of prayer clause (b).
7. The learned trial Judge shall decide the matter on its own merits and without being influenced by the order dated 20th February, 2018 passed by the Civil Judge Junior division, Kalyan in R.C.S. No. 453 of 2002.
8. The Respondent No. 1 would be at liberty to file affidavit in reply to the said application within two weeks from today. Copy to be served upon the original Petitioners simultaneously.
9. The Review Petition as well as the Writ Petition are disposed of in the aforesaid terms.
10. Parties as well as the trial Court to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)