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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO. 50 OF 2020
IN
WRIT PETITION NO. 822 OF 2020***

Uttam Alias Gopal Sitaram Bhuruk & Ors. ...Petitioners
Versus
Zeal Education Society,
Through its Founder Director
Sambhaji Maruti Katkar & Ors. ...Respondents

***WITH
REVIEW PETITION NO. 51 OF 2020
IN
WRIT PETITION NO. 822 OF 2020***

Balasaheb Uttam Alias Gopal Bhuruk & Ors. ...Petitioners
Versus
Zeal Education Society,
Through its Founder Director
Sambhaji Maruti Katkar & Ors. ...Respondents

Mr. Ashok B. Tajane for the Petitioners in Review Petition No. 50/2020

Mr. Jagannath S. Pawar i/b Mr. V. S. Tadke for the Petitioners in Review
Petition No. 51/2020

Mr. Sukand Kulkarni i/b Mr. Jitendralal Gorane for the Respondent No.1

CORAM : REVATI MOHITE DERE, J.

FRIDAY, 6th NOVEMBER 2020

(THROUGH VIDEO CONFERENCING)

P.C. :

1 Learned counsel for the petitioners and the respondent No. 1 point out that in the order under review dated 28th January 2020, there is an inadvertent error in the description of the proceedings. They state that in para 2 of the order dated 28th January 2020, it is wrongly typed as R.C.S. No. 614 of 2019 instead of R.C.A. No. 614 of 2019 and that in para 3, it is wrongly typed as R.C.S. No. 1719 of 2006 instead of Special Civil Suit No. 1719 of 2006.

2 Accordingly, the words `R.C.S. No. 614 of 2019' appearing in para 2 of the aforesaid order be corrected to read as `R.C.A. No. 614 of 2019' and the words `R.C.S. No. 1719 of 2006' appearing in para 3 of the aforesaid order be corrected to read as `S. C. S. No. 1719 of 2006'. The order dated 28th January 2020 be corrected accordingly.

3 Heard learned counsel for the parties.

4 By these review petitions, the petitioners/original respondents are seeking review of the order dated 28th January 2020 passed by this Court in the aforesaid petition being Writ Petition No. 822/2020 and seek

setting aside of the said order and pray that the writ petition be restored to its original file and heard on merits.

5 The grievance of the petitioners in the review petitions is that the respondent No.1/original petitioner is taking his own sweet time to serve 52 respondents and is deliberately trying to delay the hearing of the appeal, having regard to the interim relief granted by this Court vide its order dated 28th January 2020. He submits that the respondent No.1/original petitioner has challenged only one order passed below Exhibit 8 and not the orders passed below Exhibits 5 and 9.

6 Mr. Tajane prays that the appellate Court be directed to hear the appeal challenging Exhibits 5 and 9 along with the appeal challenging the Exhibit 8 order.

7 Learned counsel for the respondent No.1/original petitioner states that out of 52 respondents before the appellate court, the respondent No.1/original petitioner has served 42 respondents and those 42 respondents have marked their appearance before the appellant Court. Insofar as, Mr. Tajane's clients are concerned, he states that the said petitioners have not filed their appearance before the appellate Court. Mr. Tajane assures and

states that the said petitioners i.e. original respondent Nos. 12 and 13 will mark their appearance before the appellate Court within two weeks from today. Statement accepted.

8 As far as the other 8 respondents are concerned, Mr. Kulkarni learned counsel for the respondent No.1/original petitioner states that the respondent will take appropriate steps to serve the unserved 8 respondents including taking out an application for substituted service, if required.

9 Learned counsel for the respondent No.1/original petitioner have no objection if a time-frame is given, within which the said process is completed.

10 The order dated 28th January 2020 was passed without going into the merits of the petition since respondent No.1/original petitioner's appeal was pending before the appellate Court. Vide the said order, since there was interim relief granted by the trial Court, the same was continued till all the respondents appear before the appellate Court i.e. till notices are served and the appellate Court was directed to consider the prayer for interim relief on its own merits after hearing the respondents (petitioners herein), uninfluenced by the protection granted by this Court.

11 No ground is made out for reviewing the said order, inasmuch as, the same is not on merits. However, the respondent No.1/original petitioner to take prompt steps to serve the unserved 8 respondents. Learned counsel for the respondent No.1/original petitioner states that the said respondent No. 1 will endeavour to complete the said exercise before 31st December 2020. Statement accepted.

12 After the service is effected on all the respondents, the appellate Court to hear the appeal filed by the respondent No.1/original petitioner along with all the applications.

13 Review petitions disposed of accordingly.

14 All concerned to act on the copy of this order, digitally signed by the Senior Private Secretary of this Court.

REVATI MOHITE DERE, J.