



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 14805 OF 2023

IN

WRIT PETITION NO. 15040 OF 2023

AND

WRIT PETITION NO. 15040 OF 2023

WESTERN SPINNING MILLS PVT LTD KOLHAPUR
THROUGH ITS DIRECTOR

VERSUS

AYODHYA GINNING AND PRESSING FACTORY
THROUGH ITS PROPRIETOR AND OTHERS

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Advocate for Applicant : Mr. Tope Sambhaji Subhashrao

Advocate for Respondent No.1 : Mr. Pravin N. Kalani

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CORAM : SHAILESH P. BRAHME, J.

DATE : 12th DECEMBER 2023.

Per Court :

. Heard.

1. The applicant seeks to recall order passed on 07.12.2023 by this Court. It is submitted by the learned Counsel for the applicant that he was under impression that order dated 08.11.2023 passed below Exhibit-20, was under Rule 21 Rule 97 to 206. The application at Exhibit-20 was filed by the petitioner/objector in his objection at Exhibit-23 filed in Regular Darkhast No.35/2023. Application at Exhibit-23 has not been dealt with by the Executing Court. According to him, therefore the writ petition is tenable.

2. It is apparent from the papers that by the order dated 08.11.2023, the application under Order 21 Rule 97, 98, 99, 100 of CPC has not been rejected. The application filed by the applicant is yet to be considered by the Executing Court. Therefore order dated 08.11.2023 is not a decree. The writ petition is tenable. I find that it is an apparent mistake on record which needs to be rectified.
3. The Civil Application is allowed in terms of prayer clause 'D' and the Writ Petition is restored to its original post.
4. List the writ petition for consideration in urgent admission category on 19.12.2023.

[SHAILESH P. BRAHME, J.]

Najeeb.