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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO.3 OF 2023
IN
INTERIM APPLICATION NO.13626 OF 2023
IN
WRIT PETITION NO.11461 OF 2019

Shaukataara Khalil Ustad and Ors.

.....Petitioners

V/s.

Jamil Khalil Ustad Decd. Thr. LHRS Aklakbi Sayyed
Adbul Hamid Mulla and Ors.

.....Respondents

Mr. P. D. Dalvi for the Petitioners.
Mr. M. L. Patil for the Respondents.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 10th AUGUST, 2023.

P. C.

1. Review petition has been preferred seeking review of the order dated 31/7/2023 passed by this Court in Interim Application No.13626/2023. *Vide* order dated 31/7/2023, interim application which was preferred for bringing on record the legal heirs of deceased sole petitioner came to be allowed.

2. Heard Mr. P. D. Dalvi, learned counsel for the petitioners and Mr. M. L. Patil, learned counsel for the Respondents.

3. Learned counsel appearing for review petitioners submit that interim application No.13626/2023 was opposed by the review petitioner by filing affidavit in reply dated 5/7/2023. He would further point out that the subject matter was listed on 31/7/2023 at serial No.30 and the board does not show the name of the advocate for respondent. He would further contend that as such the order has been passed without an opportunity of being heard being given to the review petitioners. He would further submit that on the said date 31/7/2023, the same matter was shown at Serial No.72.

4. *Per contra*, learned counsel appearing for the applicant in Interim Application No.13626/2023 would contend that synopsis which has been annexed to the review petition would indicate that review petitioners were aware of and were watching the board as it is stated that the matter did not reach on the said date.

5. From perusal of the board of 31/7/2023, it appears that the same matter was listed at Serial No.30 as well as Sr. No.72. Without going into the controversy as to whether review petitioners were aware of the matter or not and whether they were watching, considering that the order dated 31/7/2023 does not reflect that the affidavit in reply of the review petitioners was considered while passing the order dated 31/7/2023, in my view there is error on the face of record. As such the review petition stands allowed. The order dated 31/7/2023 is recalled. Review application stands disposed of.

[SHARMILA U. DESHMUKH, J.]