

Anand

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

**INTERIM APPLICATION NO. 16685 OF 2023
IN
WRIT PETITION NO. 9546 OF 2023
WITH
WRIT PETITION NO. 9546 OF 2023**

Biswajeet Divyalochan Mohanty

.Applicant/
Petitioner

Vs.

Niranjan Duryodhan Mohanty & ors.

.Respondents

Mr. Sandeep Mishra, Advocate, for the Applicant/Petitioner

Mr. A. P. Vanarase, AGP, for the Respondent – State

Mr. Rushabh Sheth i/b. Mr. Nikhil Mishra, Advocate, for
Respondent No. 1

Ms. Pratibha Rupnawar i/b. Samatva Legal Associates, Advocate,
for Respondent No. 5

CORAM : MADHAV J. JAMDAR, J.

DATE : 27.10.2023

P. C.

1. The prayer is sought to re-call/modify the order dated
29.09.2023 passed by this Court.

2. Mr. Mishra, learned counsel appearing for the
Applicant/Petitioner states that the observation made in the
order dated 29.09.2023 is to the effect that interim relief has
been obtained without giving notice to the learned counsel
appearing for Respondent Nos. 1 & 2, who has filed Caveat is not

correct. He states that on 29.09.2023, he was not present and his Junior Advocate was present, who was not aware about the factual position. Therefore, the said observations, which are not in accordance with the record of the case have been recorded in the order. He points out previous order dated 03.08.2023 passed by a learned Single Judge of this Court wherein appearance of learned counsel appearing for Respondent No. 1 has been specifically noted.

3. Accordingly, the order dated 29.09.2023 is re-called and same is replaced by the following order:-

“1. At the request of learned counsel for the Petitioner, stand over to 13.10.2023 at 2.30 p. m..

2. Till the next date, ad-interim relief granted by order dated 03.08.2023 shall remain in operation.”

4. Accordingly, the modified order dated 29.09.2023 be uploaded instead of earlier order dated 29.09.2023.

5. The Interim Application is disposed of in above

terms with no order as to costs.

6. At the request of learned counsel for the respective parties, W. P. No. 9546 of 2023 be listed on 04.12.2023.

7. Ad-interim relief granted earlier to continue till the next date.

(MADHAV J. JAMDAR, J.)