

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 10396 OF 2024

Ajay Shrihari Jambhale

.. Petitioner

Versus

Balasaheb Baban Jambhale and Ors.

.. Respondents

.....

- Mr. Ajinkya M. Udane for Respondents

.....

CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 7, 2024

P. C.:

- 1.** Heard Mr. Udane, Learned Advocate for Respondents.
- 2.** Learned Advocate Mr. Udane has filed praecipe dated 07.10.2024 seeking to recall the order dated 01.10.2024. In the praecipe it is stated that on 19.08.2024, he mentioned Writ Petition No. 10396 of 2024 before this Court and sought extension of time to determine Misc. Civil Appeal No. 178 of 2022 by the District Court on the ground that the Advocate appearing for Respondents in the District Court required more time for preparation of the matter. The said praecipe was rejected on oral mentioning and this fact is confirmed in the present praecipe.
- 3.** When the said praecipe was rejected, it ought to have been withdrawn as no specific order on the said praecipe was passed by the Court. However, inadvertently the physical copy of praecipe was not

withdrawn and it remained on the record of the Court. Said Writ Petition No. 10396 of 2024 was therefore listed for hearing in view of the praecipe dated 19.08.2024. On 01.10.2024, since none appeared for any of the parties, this Court by detailed order rejected the praecipe.

4. Mr. Udane would submit that inadvertently praecipe dated 19.08.2024 was not withdrawn by him and by mistake the said praecipe was submitted to the Court. He would accept that, in fact the said praecipe was rejected on oral mentioning itself. It is so stated in praecipe dated 07.10.2024.

5. In view of the above, he would request the Court to recall the order dated 01.10.2024 as the same was passed due to the aforesaid mistake. He would urge the Court to expunge the remarks which have been passed by the Court which were solely due to the aforesaid mistake and has tendered his unconditional apology.

6. The reason mentioned in praecipe dated 07.10.2024 deserves to be accepted as the mistake which has occurred is *prima facie*, genuine. In that view of the matter, the order dated 01.10.2024 passed in Writ Petition No. 10396 of 2024 stands recalled and revoked, resultantly praecipe dated 19.08.2024 and present praecipe dated 07.10.2024 stand disposed.

7. The present order shall be read in conjunction with order dated 01.10.2024.

8. Praecipe dated 07.10.2024 is disposed of accordingly.

Amberkar

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

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