



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 11268 OF 2024
IN
WRIT PETITION NO. 7878 OF 2021

Hira Dham Co-Op Hou. Soc. Limited.

...Petitioner.

Versus

State of Maharashtra and Others.

...Respondents.

Mr. Aseem Naphade and Mr. Chirag S. i/b Mr. Tushar Goradia for the Petitioner.

Coram : Sharmila U. Deshmukh, J.

Date : August 5, 2024.

P. C. :

1. By this application, the Petitioner is seeking recall of the orders dated 15th July 2024 and 29th July 2024.
2. On 15th July 2024, in view of the office noting that as the spare copies were not supplied notice could not be issued to the Respondent No.5, a conditional order came to be passed directing the Petitioner to supply the spare copies in the Registry within a prescribed time failing which the petition to stand dismissed against the Respondent No. 5. On 29th July 2024, a *praecipe* was moved seeking extension of time to supply spare copies, however, in view of the conditional order already coming into force, the request was rejected by order dated 29th July 2024.

3. Learned counsel appearing for the Petitioner–Applicant would submit that by order dated 11th February 2022, this Court had directed the Petitioner to supply the petition copy for issuance of notice to the Respondent Nos.3 and 5. He points out the office noting on today's board which states that the notice of the Respondent No. 5 is affixed with Bailiffs Remark dated 30th March 2022 that said premises found locked and hence it is pasted on the outdoor of the said premises.
4. It appears that the said fact was not brought to the notice of this Court on 15th July 2024 and thus the conditional order came to be passed.
5. In the light of above, the orders dated 15th July 2024 and 29th July 2024 stand recalled.
6. Learned counsel appearing for the Petitioner submits that the Respondent No. 5 has been served again by communication dated 27th July 2024 and tenders affidavit of service. Affidavit of service is taken on record.
7. Needless to clarify that Respondent No.5 is duly served and there is no necessity of again effecting service on Respondent No.5.
8. List the writ petition on **27th August 2024** (admission). Interim/ad-interim relief granted earlier, if any, to continue till the next date.

[Sharmila U. Deshmukh, J.]