

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.7329 OF 2025
IN
CIVIL REVISION APPLICATION NO.636 OF 2013

ORDER BELOW PRAECIPE DATED 23/06/2025

CORAM : S.R. AGRAWAL
REGISTRAR (JUDL. - II)

DATE : 01st July, 2025

Advocate Manav Kantawala a/w. Advocate Amey Patil i/b. Vivek Kantawala & Co. present for Respondent.

The learned Advocate for the Respondent has filed present praecipe to recall the order dated 18/06/2025 passed in Interim Application No.7329/2025.

I have perused the application and record. Heard, the learned Advocate for the Respondent.

On perusal of record, it reveals that the Applicant Kirit Prabhulal Kapadia was reported to be dead. Therefore, the learned Advocate for the Applicant has filed Interim Application No.7329/2025 for bringing on record the legal heirs of deceased Applicant.

On 18/06/2025, the office had placed the Interim Application No.7329/2025 on the board of Registrar (Judicial - II) with a note that the Interim Application is filed within time. On the very same day, the learned Advocate Manav Kantawala for Respondent made statement before the

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Registrar (Judicial – II) that he has no objection to allow Interim Application i.e. for bringing on record the legal representatives of deceased Applicant. Since the application was within limitation and the learned Advocate for the Respondent had raised no objection, Interim Application No.7329/2025 was allowed vide order dated 18/06/2025 by virtue of the power conferred upon the Registrar as per Chapter II Rule 3, sub Rule (i) of the Bombay High Court Appellate Side Rules, 1960.

It is important to note that the learned Advocate for Respondent had nowhere informed that he is going to file Affidavit-in-reply raising objection to the Interim Application. Per contra, he firmly made statement before the Registrar (Judicial – II) that he has no objection to allow the application. Consequently, the Interim Application No.7329/2025 was allowed by the Registrar (Judicial – II) vide order dated 18/06/2025.

Now, the learned Advocate Amey Patil for Respondent submitted that Advocate Manav Kantawala had mistakenly given no objection thinking that the Advocate for the Applicant has sought time for filing rejoinder. Therefore, he requested to recall the order passed below Interim Application No.7329/2025. In this regard, in my view, the Registrar (Judicial – II) has no authority and power to recall the order, allowing Interim Application No.7329/2025 for bringing on record the legal representatives of deceased Applicant. Hence, the praecipe dated 23/06/2025 filed by learned Advocate for Respondent is rejected.

sd/-
Registrar (Judicial – II)