

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.5023 OF 2022
IN
REVIEW PETITION (L) NO.36411 OF 2022
IN
WRIT PETITION NO.234 OF 2015**

Luke Daniel Machado ...Applicant/
Heir and legal representative of Petitioner
Edward alias Adward Paul Machado

IN THE MATTER OF :

Edward alias Adward Paul Machado ...Petitioner

Versus

The Deputy Collector (Appeals) & Ors. ...Respondents

**WITH
REVIEW PETITION (L) NO.36411 OF 2022
IN
WRIT PETITION NO.234 OF 2015**

Luke Daniel Machado ...Petitioner
Heir and legal representative of
Edward alias Adward Paul Machado (since deceased)

Versus

The Deputy Collector (Appeals) & Ors. ...Respondents

Ms. Madhavi Diwan, Senior Advocate a/w Jyoti Kukreja & Prathmesh Mandhre i/b Vis Legis Law Practice, for the Applicant/Petitioner.

Mr. Vikrant Parashurami, AGP, for Respondent Nos.1 to 4 and 7-State.
Ms. Sneha Parikh a/w Krutika Mehta i/b J. Sagar Associates, for Respondent No.5.

**CORAM: MADHAV J. JAMDAR, J.
DATED: 27 AUGUST 2026**

P.C.:

1. The Review Petition has been filed seeking review of the Order

dated 11th March 2015 passed by a learned Single Judge [Coram: A.A. Sayed, J.] in Writ Petition No.234 of 2015 dismissing the Writ Petition.

2. This Interim Application has been taken out for condonation of delay of about 1699 days in filing the Review Application. However, Ms. Parikh, learned Counsel appearing for Respondent No.5-Mumbai International Airport Private Limited states that the delay is not of 1699 days, but of 2419 days.

3. It is the submission of Ms. Diwan, learned Senior Counsel for the Applicant, that the Order of dismissal of the Writ Petition is dated 11th March 2015, however, the reasoned order was uploaded on 21st November 2015 and the certified copy of the same was received on 11th March 2016. It is submitted that as the reasons are not uploaded immediately, the impugned order is nullified and required to be set aside. Reliance is placed on the following decisions of Supreme Court :-

1. *K.V Rami Reddi Vs. Prema (2009) 17 SCC 308.*
2. *Oriental Insurance Co. Ltd. Vs. Zaixhu Xie & Ors., (2020) 18 SCC 823;*
3. *Balaji Baliram Mupade & Anr. Vs. State of Maharashtra & Ors., (2021) 12 SCC 603;*
4. *Ratilal Jhaverbhai Parmar & Ors. v. State of Gujarat & Ors., 2024 SCC OnLine SC 298 and*
5. *Anil Rai v. State of Bihar, (2001) 7 SCC 318.*

4. On the other hand, it is the submission of Ms. Parikh, learned Counsel for Respondent No.5, that the filing of this Review Petition is an

abuse of the process of law. She submits that the Order under review is challenged in the Supreme Court by filing Special Leave to Appeal (C) No.9701 of 2016 (“SLP”) and the said SLP has been dismissed by the Supreme Court by Order dated 11th July 2017 by conditional order for non-removal of defects. She submits that in fact SLP was not pursued as the Writ Petition (L) No. 2522 of 2015 challenging eviction order dated 10th July 2013 passed by Chairperson of the Airport Appellate Tribunal, New Delhi was dismissed by the Division Bench of this Court by judgment and order dated 30th October 2025 and the SLP challenging the same was dismissed on 11th January 2016 and immediately thereafter the original Petitioner lost the possession. She submits that this Review Petition along with the Application for condonation of delay has been filed in this Court on 21st November 2022 after the learned Single Judge [Coram: A.A. Sayed, J.] was appointed as the Chief Justice of the High Court of Himachal Pradesh on 23rd June 2022. She submits that for *malafide* purpose the Review Petition was not filed when learned Single Judge [Coram: A.A. Sayed, J.] was Judge of this Court.

5. Before considering the rival contentions, it is necessary to set out relevant aspects :

i. In the order dated 11th March 2015 passed in Writ Petition No. 234 of 2015 learned Single Judge noted the controversy involved in the matter in paragraph no.3 as under:-

“3. The issue in the present proceedings relates to the deletion of the pencil entries in respect of the properties bearing Survey Nos.131 to 141 of Village Marol and Survey No.7, Hissa No.1 (Part) of Village Bapnala, Taluka Andheri, Mumbai Suburban District, admeasuring about 28.52 acres (hereinafter referred as to 'the said properties'). The Petitioner claims that he was in actual use, occupation, cultivation and possession of the said properties since the year 1944 as 'Kul' and 'Khand' and in 'other rights' column. According to the Petitioner, he was illegally dispossessed by the Respondent No.5 from a portion admeasuring 18.52 acres after 17 July, 2009. It is contended that the possession and cultivation of the said properties has been recorded by the Office of the Tehsildar, Andheri in Panchnamas made during the visits to the said properties by the Officers from the office of the Tehsildar and that Respondent No.6 – Airport Authority of India had in their internal correspondence consistently accepted his occupation, possession and cultivation in substantial part of the said properties. The Petitioner claims that his name had been shown as the person in actual possession and cultivation of the said properties in the Revenue Records since 1962.”

ii. It is the claim of the Respondent No.5-Mumbai International Airport Ltd. that the said entire land is their land.

iii. On 2nd January, 2012, Respondent No.6 - Airport Authority of India (AAI) filed Eviction Application No.1 of

2012 before the Eviction Officer constituted under Section 28-B of the Airports Authority of India Act, 1994.

iv. The said Eviction Proceedings resulted into eviction order dated 10th July 2013 passed by the Chairperson of the Airport Appellate Tribunal, New Delhi, in Execution Case being Eviction Order No. 1 of 2012.

v. The said Eviction Order dated 10th July 2013 was the subject matter of Writ Petition (L) No. 2522 of 2015 and the said Writ Petition was dismissed by the Division Bench of this Court by order dated 30th October 2015.

vi. The SLP challenging the said order dated 30th October 2015 was also dismissed on 11th January 2016.

vii. It is admitted position that on or about 11th January 2016, the original Petitioner lost possession of the subject land.

viii. In the meanwhile, following events took place with respect to the pencil entries, which was the subject matter of Writ Petition No. 234 of 2015, as noted by the learned Single Judge in paragraph Nos. 9, 10 and 11 of the order dated 11th March, 2015, which is reproduced hereinbelow:

“9. According to the Petitioner, the facts which led to the deletion of the pencil entries in the 7/12 extract are as follows :

On 9 April, 2010, a show cause notice was issued by the Respondent No.2 against one Shri S.D. Dete, Clerk, working in the office of Talathi, Marol, alleging that upon inspection of record of office of

Talathi, Marol, it was found that he had intentionally made changes in the Government records by making pencil entries under the columns “crops inspection” and “other rights” in the name of the Petitioner after 2004 without any date and without any approval of alteration and to submit an explanation why criminal proceedings should not be lodged against him. On 26 April 2010, a further notice was issued to Shri Dete. On 3 May, 2010, notice was issued by Respondent No.3 to Shri Dete calling upon him to explain why action should not be taken against him under the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979. On 6 May, 2010, Shri Dete replied to the aforesaid notices. On 10 June, 2010, a further letter was addressed by Shri Dete to Respondent No.3 *inter alia* stating that the pencil entries were made by mistake and the same be cancelled.

10. On 14 July, 2010, the Respondent No.3 addressed a letter to the Petitioner calling upon him to produce the documents which had been submitted by the Petitioner to Shri Dete. On 27 July, 2010, the Petitioner submitted written submissions to Respondent No.3 *inter alia* stating that he was in possession of the said properties since 1944 and prior to the acquisition of the same by the Respondent No.6 and that during the period 1950 to 1960, the Office of the Tehsildar/Talathi had visited the property and found the Petitioner in possession of the said properties and on the basis of his continuous and long

standing possession, has entered the Petitioner's name as Cultivator in the records of the said properties. Petitioner further stated in the written submissions that in the year 1990, the Officer made Panchnama in respect of the said properties and during the period of acquisition proceedings, the Petitioner was in possession of the said properties and cultivating the same. The Petitioner stated that he did not know who Shri Dete was and who had entered his name in the record of the said properties in pencil during 1956 to 1960 and that the 'pencil shera' is made on the basis of site visit by the Authorities, and it was after receiving a letter dated 14 July, 2010 when the Petitioner visited the Sub-Divisional Office, that the Petitioner was informed orally about the enquiry being held against Shri Dete.

11. On 30 July, 2010, the Respondent No.3 – Sub Divisional Officer passed an order directing that the pencil entries recording the name of the Petitioner in the 7/12 extract in respect of the said properties, be cancelled. According to the Petitioner, the same was done without any hearing, evidence and without any enquiry. On 16 April, 2012, an order was passed by Respondent No.1- Deputy Collector (Appeals), dismissing the Appeal filed by the Petitioner impugning the order dated 30 July 2010. On 16 November, 2012, an order was passed by Respondent No.4, Additional Commissioner, dismissing the Revision Application filed by the Petitioner impugning

aforesaid two orders dated 30 July, 2010 and 16 April, 2012. On 28 August, 2013, the impugned order was passed by Respondent No.7 – The Minister (Revenue) dismissing the Revision Application filed by the Petitioner impugning the said three orders dated 30 July, 2010, 16 April, 2012 and 16 November, 2012. Hence the present Petition.”

(ix) As far as the further factual aspects are concerned, the same are set out in the chart tendered by the learned counsel appearing for the Respondent No. 5, which is set out hereinbelow for ready reference:

S.N.	DATE	EVENT	REFERENCE
1.	11.03.2015	Impugned Order dismissing Writ Petition No. 234 of 2015 and upholding the orders passed by the Sub-Divisional Officer, Tehsildar, the Deputy Collector, the Additional Commissioner and the State Government through the Ministry of Revenue and Forest.	<i>Exhibit A of the Review Petition at page no. 30</i>
2.	21.11.2015	Impugned Order uploaded on the website.	
3.	11.03.2016	Certified copy of the Impugned Order was made available.	
4.	16.03.2016	The Org. Petitioner filed a Special Leave Petition being SLP (Civil) No 9701 of 2016 challenging the Impugned Order.	
5.	11.07.2017	The Hon'ble Supreme Court passed an order in the SLP (Civil) No 9701 of 2016 giving a last opportunity to the Org. Petitioner to cure defects failing which the SLP shall stand dismissed.	<i>Exhibit A of the Reply of Respondent No.5 at page no. 24.</i>
6.	26/27.06.2018	The Registry of the Hon'ble Supreme Court informed the AOR of the Org. Petitioner of the dismissal of the SLP.	<i>Exhibit B of the Reply of Respondent No.5 at page</i>

S.N.	DATE	EVENT	REFERENCE
			<i>no. 25.</i>
7.	10.04.2021	The Org. Petitioner passed away leaving behind him, the Applicant as one of the seven heirs.	<i>Exhibit A of Delay Application at page no. 14</i>
8.	23.06.2022	Justice A.A. Sayed was appointed as the Chief Justice of the Himachal Pradesh High Court.	
9.	23.11.2022	The Applicant filed the present Review Petition alongwith an Interim Application seeking condonation of delay of 1699 days although the period of delay was 2415 days.	

6. A chart is also tendered by the learned Senior Counsel appearing for the Petitioner setting out the various aspects of delay condonation, which is reproduced hereinbelow:-

1.	11.03.2015	ORAL PRONOUNCEMENT OF THE IMPUGNED ORDER
		On 11.03.2015, the Ld. Single Judge of this Hon'ble Court orally pronounced in open Court that he was dismissing Writ Petition No. 234 of 2015. The endorsement made on the electronic board on the said date read "disposed" (Pg. 61–63, Review Petition).
2.	12.03.2015	APPLICATION FOR CERTIFIED COPY OF THE IMPUGNED ORDER
		Application for obtaining a certified copy of the Order dated 11.03.2015 came to be filed on behalf of the Original Petitioner. On enquiries being made in the office of this Hon'ble Court, the Original Petitioner was informed that the Order dated 11.03.2015 was not yet ready, and that the certified copy would be prepared once

		the Order was ready and uploaded on the website.
3.	21.11.2015 Pg. 64 to 93 Review Petition	IMPUGNED ORDER UPLOADED ON THE WEBSITE OF THIS HON'BLE COURT
		The Impugned Order – which bears the date 11.03.2015 – came to be uploaded on the website of this Hon'ble Court on 21.11.2015.
4.	11.03.2016	CERTIFIED COPY OF THE IMPUGNED ORDER READY
		The endorsement made on the certified copy of the Impugned Order records that the Certified Copy was ready on 11.03.2016 – a period of one year after the date the Order purports to bear.
5.	16.03.2016	SLP (C) DIARY NO. 9701 OF 2016 FILED BEFORE THE HON'BLE SUPREME COURT
		Special Leave Petition (Civil) Diary No. 9701 of 2016 [Edward alias Edward Paul Machado v. The Deputy Collector & Ors.] came to be filed by the Original Petitioner before the Hon'ble Supreme Court of India through Mr. Naveen Kumar, Advocate-on-Record, impugning the Order dated 11.03.2015. The matter was thereafter listed for removal of office objections.
6.	11.07.2017 Pg. 24 / Reply of R-5	ORDER OF THE HON'BLE SUPREME COURT – DISMISSAL OF SLP FOR NON-CURING OF DEFECTS
		On 11.07.2017, the Hon'ble Supreme Court passed the following Order in SLP (C) No. 9701 of 2016: “As a last opportunity, two weeks’ time is granted to the learned counsel appearing for the petitioner to cure the defects as

		pointed out by the Registry, failing which the special leave petition shall stand dismissed without further reference to the Court.” On failure to cure the defects, the SLP was dismissed.
7.	15.03.2020 to 28.02.2022	PERIOD OF COVID-19 EXCLUSION FROM LIMITATION – 716 DAYS
		The period from 15.03.2020 to 28.02.2022 (716 days) constitutes the period of the Covid-19 pandemic in respect of which the Hon’ble Supreme Court of India, by its Order dated 10.01.2022 in Suo Motu Writ Petition (C) No. 3 of 2020 [In Re: Cognizance for Extension of Limitation], directed exclusion for the purposes of computing periods of limitation.
8.	10.04.2021	DEMISE OF THE ORIGINAL PETITIONER
		The Original Petitioner – Edward alias Edward Paul Machado – expired on 10.04.2021 during the second wave of the Covid-19 pandemic, then aged about 86 years.
9.	September – October, 2022 Pg. 62– 64 Further Affidavit in Rejoinder	PETITIONER FIRST INFORMED OF DISMISSAL OF SLP
		Upon recovering from amongst the papers of the late Original Petitioner certain documents pertaining to the Special Leave Petition, the Petitioner contacted the Supreme Court Advocate, Ms. Roohe-Hina Dua, in

		September 2022 and the start of October 2022. The Petitioner was thereupon informed for the first time that the Special Leave Petition filed by his late father had stood dismissed on 11.07.2017 for non-curing of defects.
10.	21.11.2022	FILING OF REVIEW PETITION AND INTERIM APPLICATION FOR CONDONATION OF DELAY
		The Petitioner instituted before this Hon'ble Court:
		(i) Review Petition (L) No. 36411 of 2022 in Writ Petition No. 234 of 2015 under Section 114 read with Order XLVII Rule 1 of the Code of Civil Procedure, 1908, and the Bombay High Court (Original Side) Rules, 1980, seeking review of the Order dated 11.03.2015; and
		(ii) Interim Application No. 5023 of 2022 seeking condonation of delay of 1699 days in filing the Review Petition (computed after deduction of 716 days of Covid-19 exclusion).
11.	02.02.2023	AFFIDAVIT IN REPLY OF RESPONDENT NO. 5 – MUMBAI INTERNATIONAL AIRPORT LIMITED
		Affidavit in Reply dated 02.02.2023 came filed on behalf of Respondent No. 5.
12.	16.02.2023	AFFIDAVIT IN REPLY OF RESPONDENT NO. 6 – AIRPORTS AUTHORITY OF INDIA
		Affidavit in Reply dated 16.02.2023 filed on behalf of Respondent No. 6.
13.	15.03.2023	AFFIDAVIT IN REJOINDER FILED BY THE PETITIONER
		The Petitioner filed his Affidavit in Rejoinder dated 15.03.2023 to the Affidavits in Reply of Respondent Nos. 5 and 6 placing on record:

		(i) the Petitioner's Aadhar Card / Passport reflecting his name as son of the Original Petitioner Edward Machado (Exhibit "A");
		(ii) the Power of Attorney dated 04.05.2021 executed by the six other heirs of the Original Petitioner (Exhibit "B");
		(iii) the fact that Interim Application (L) No. 7051 of 2023 had been filed seeking amendment of the Review Petition and the present Interim Application so as to formally array all the other heirs of the Original Petitioner as proposed Petitioners; and
		(iv) a contention that the period of 482 days during which the Special Leave Petition was pending before the Hon'ble Supreme Court (16.03.2016 to 11.07.2017) is liable to be excluded under Section 14 of the Limitation Act, 1963, reducing the delay to 1217 days.
14.	08.04.2023 Pg. 62-64 / Further Affidavit in Rejoinder	LETTER OF MS. ROOHE-HINA DUA
		Letter dated 08.04.2023 came to be addressed by Ms. Roohe-Hina Dua, Advocate-on-Record, Hon'ble Supreme Court of India to the Petitioner placing on record the events surrounding the dismissal of the Special Leave Petition, including: (i) the dispatch by the Original Petitioner of his Supporting Affidavit on 14.03.2016; (ii) the inability of the Supreme Court Advocate to contact the Original Petitioner thereafter on the landline number provided; (iii) the consequent inability to remove the

		office objections; (iv) the Order dated 11.07.2017 of the Hon'ble Supreme Court; (v) the Petitioner's approaching her in September / October 2022; and (vi) the relocation of the Supreme Court Advocate's office thrice between 2015 and 2021.
15.	12.04.2023	FURTHER AFFIDAVIT IN REJOINDER FILED BY THE PETITIONER
		The Petitioner filed his Further Affidavit in Rejoinder dated 12.04.2023 placing on record the said letter dated 08.04.2023 of Ms. Roohe-Hina Dua, Advocate-on-Record.
16.	28.07.2025	AFFIDAVIT IN SUR-REJOINDER FILED BY RESPONDENT NO. 5
		Affidavit in Sur-Rejoinder dated 28.07.2025 came filed on behalf of Respondent No. 5.

7. Perusal of the record shows that the Writ Petition was dismissed by a learned Single Judge [Coram: A.A. Sayed, J.] by Order dated 11th March 2015. The impugned Order was uploaded on the website on 21st November 2015. On 11th March 2016, the certified copy of the impugned Order was made available to the Petitioner. Thereafter, on 16th March 2016, the Original Petitioner filed SLP challenging the impugned Order. The Supreme Court on 11th July 2017 passed the following Order:

“As a last opportunity, two weeks’ time is granted to the learned counsel appearing for the petitioner to cure the defects as pointed out by the Registry, failing which the special leave petition shall stand dismissed without

further reference to the Court.”

8. As already noted hereinabove, in the meanwhile, the eviction proceedings against the Petitioner with respect to the subject land attained finality upon dismissal of SLP by order dated 11th January 2016 by the Supreme Court and the possession from the original Petitioner was received by the Respondent No. 5. There is substance in the contention raised by the Petitioner as the original Petitioner lost the possession, although the SLP challenging the order under review was filed immediately after the possession is lost, however, the original Petitioner was not interested in pursuing the said SLP (Civil) No. 9701 of 2016.

9. Although the contention is raised that the original Petitioner was very old and therefore could not take steps to pursue the said SLP (Civil) No. 9701 of 2016 and also could not file Review Petition, is without any basis, for the following reasons:—

- i. The Division Bench, in the order dated 30th October 2015 passed in W.P. (Lodg.) No. 2522 of 2015 has recorded the contention of the original Petitioner that he was an 85 years old agriculturist.
- ii. The said order dated 30th October 2015 was challenged by the original Petitioner in the Supreme Court immediately by filing SLP, which was dismissed on 11th January, 2016.

iii. In fact, the original Petitioner filed SLP challenging the order under review before the Supreme Court on 16th March 2016.

Thus, the contention raised that the Petitioner could not file Review Petition due to his old age is without any basis. The material on record clearly shows that the original Petitioner has taken prompt steps to protect his rights. In fact, there is great substance, in the facts and circumstances of the case, in the contentions raised by the Respondent No. 5 that as the original Petitioner has lost possession of the subject land, the said SLP although filed immediately after the original Petitioner lost possession, the same was not pursued.

10. It is also significant to note that the Original Petitioner passed away on 10th April 2021, leaving behind the Applicant as one of the legal heir. On 23rd June 2022, a learned Single Judge [Coram: A.A. Sayed, J.] was appointed as the Chief Justice of the High Court of Himachal Pradesh and the present Review Petition along with Interim Application seeking condonation of delay, was filed on 21st November 2022.

11. In these circumstances, the reasons which have been set out in the delay condonation Application are required to be examined, which reads as follows:

- “2. It is submitted that the Original Petitioner at that time was 86 years of age and was not keeping good health. Despite the same, the Petitioner engaged lawyers and filed a Special Leave Petition (“SLP”) in the Hon'ble Supreme Court challenging the said Order dated 11th March 2015. The SLP was filed on 16th March, 2016. In so far as the Applicant is aware, the Petitioner was throughout his life under the impression that the SLP was pending before the Hon'ble Supreme Court as he was never informed by his Advocates that the SLP filed by the Petitioner had been dismissed on 11th July, 2017 by the Registry on account of failure to cure the defects raised therein.”
- “3. It is further submitted that as mentioned above, the Petitioner was old and keeping unwell and was unable to actively participate in and attend to the legal proceedings. The Advocates of the Original Petitioner would therefore, on the basis of oral instructions received and on the basis of record, prepare the pleadings and a Notary Public would visit the residence of the Original Petitioner to notarise all affidavits and pleadings as required. In addition to his age and ill health, the Original Petitioner's wife also passed away in September, 2015 which affected the Original Petitioner. The Original Petitioner was also dispossessed of the Suit Property in January, 2016. All the aforesaid circumstances occurring around the same time took a further toll on the health of the Original Petitioner and his condition deteriorated further. The Original Petitioner ultimately expired on 10th April, 2021. A copy of the Death certificate is hereto annexed and marked **EXHIBIT 'A'**.”

“4. The Applicant, who is the son of the Original Petitioner was not aware of the proceedings in the Writ Petition and the Order passed in the Writ Petition and the consequent filing of the SLP. After the death of the Original Petitioner, when the Applicant was going through the papers of the Original Petitioner he found some papers including the SLP papers. The Applicant made attempts to collect the papers, however in view of the COVID-19 imposed restrictions, it took him substantial time to do so and contact the Advocates. Finally, the Applicant was able to collect all the relevant papers. It was only then that the Applicant was informed that the aforesaid SLP had been dismissed. He thereafter consulted other lawyers and was advised that the appropriate remedy for the Applicant would be to file an application for review of the Order dated 11th March, 2015. Accordingly steps were taken by the Applicant for having the Review Petition drafted and it is now being filed before this Hon'ble Court. As a result of the aforesaid, the delay in filing the Review Petition. The delay as explained above was not deliberately caused but was caused due to the reasons explained above which in the humble submission of the Applicant amount to sufficient cause within the meaning of Section 5 of the Limitation Act. It is submitted that the petition involves substantial proprietary rights of the Applicant he could not approach this Hon'ble Court for the reasons beyond his control, and therefore it is in the interest of justice that this Hon'ble Court be pleased to condone the delay in filing the Review Petition. It is submitted that if the delay is condoned none of the

Respondents are likely to suffer any irreparable injury and no prejudice is likely to be suffered by them. The Principle ground for review of Order is that there is an error apparent on the face of the record which has resulted in miscarriage of justice. In this situation if the Applicant is not heard on this aspect of the matter, the Applicant will suffer irreparable injury and it will defeat the ends of justice.”

12. In view of the reasons assigned for the inordinate delay of 1699 days (2419 days as per the contention of the Respondent No. 5) is required to be noted that the Original Petitioner filed Writ Petition (L) No.2522 of 2015 challenging the Order passed by the Chairperson of the Airport Appellate Tribunal, New Delhi, dated 10th July, 2013, in an eviction case being Eviction Order No.1 of 2012. A Division Bench of this Court, by Order dated 30th October 2015, upheld the eviction Order and dismissed the Writ Petition. The said Order dated 30th October 2015 passed by the Division Bench of this Court in Writ Petition (L) No.2522 of 2015 has been confirmed by the Supreme Court by Order dated 11th January 2016, and pursuant to the said Order the Original Petitioner was evicted immediately on the very same day i.e. 11th January 2016. Thus, in these circumstances, it is clear that the filing of this Review Petition on 21st November 2022, i.e., after about 6 years and 10 months is total abuse of the process of law.

13. In fact, it is required to be noted that the Order under review is dated 11th March 2015 passed by a learned Single Judge [Coram: A.A. Sayed, J.], and the Review Petition has been filed on 21st November 2022, after Justice A.A. Sayed was appointed as the Chief Justice of the High Court of Himachal Pradesh on 23rd June 2022. Thus, it is very clear that an attempt is made to see that the Review Petition is not heard by Justice A.A. Sayed, who had passed the Original Order. The litigant who is involved in forum shopping is not entitled for any relief including the relief of condonation of delay which is discretionary relief.

14. The subject matter of the dispute is a land admeasuring 28.52 acres situated at Village Bapnala, Taluka Andheri, District Mumbai Suburban, which is the airport land. The land is situated in very prime locality of Mumbai.

15. It is the contention of Ms. Parikh, learned Counsel for Respondent No.5, that the entire land belongs to the Airport Authority of India and was encroached.

16. If the contention raised by the learned Senior Counsel that as the reasons were uploaded after a period of 9 months and therefore the order under review is nullity is to be accepted for condonation of huge delay of 1699 days (as per the contention of the petitioner) and of 2419

days (as per the contentions of the Respondent no.5) then that will be contrary to the principle of finality of litigation and will have disastrous consequences.

17. There is substance in the contention raised that for *malafide* purpose, the Review Petition is filed so that huge land admeasuring about 28.52 Acre in very prime locality of Mumbai remains under litigation.

18. Accordingly, in the facts and circumstances, Interim Application No. 5023 of 2022 seeking condonation of delay of 1699 days is dismissed with cost of Rs. 10,00,000/- (Rupees Ten Lacs only), to be paid by the Review Petitioner to Respondent No. 5 within a period of six weeks.

19. As the Interim Application is dismissed, the Review Petition also stands disposed of.

[MADHAV J. JAMDAR, J.]