

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

REVIEW APPLICATION STAMP No.22577 of 2015
in
SECOND APPEAL STAMP NO.6753 of 2014

Suresh s/o Ganpati Amrutsagar
(Lad), Age 42 years, Occu.Aгри.
And private service,
R/o 14-6, 256/261, Chudi Bazar,
Hyderabad-12 State Andhra Pradesh .. Applicant

Versus

Sandeep s/o Venkatrao Lad
(Amrutsagar) and ors. .. Respondents

Mrs M.D. Thube-Mhase, Advocate for Lex Aquila, for applicant

CORAM : N.W. SAMBRE, J.

DATE : 23rd October 2015

PER COURT

Heard Mrs Thube-Mhase, learned Counsel for the applicant –
review petitioner.

2. By the present application, the applicant is seeking review of
the order dated 24th September 2015 passed by this Court in the
Second Appeal refusing to condone the delay.

3. Amongst other, two grounds as are placed on record are that
the Special Leave to Appeal preferred before the Honourable Apex
Court was withdrawn by the applicant with liberty to file review
petition before this Court, as this Court has not considered and
recorded the facts properly and as such, the Honourable Apex Court
has granted leave to file this review application. The second ground

that is sought to be raised is the consideration of the fact that the applicant has issued a notice to the Advocate who has appeared before the lower appellate Court and has failed to communicate the order passed by the lower appellate Court allowing the appeal on 20th January 2011 against the applicant.

4. So far as the first ground that is pressed into service for seeking review is concerned, this Court, in the light of the liberty granted by the Apex Court, was called upon the learned Counsel for the appellant to canvass the facts which were not properly recorded by this Court. In response to above, learned Counsel has invited attention to the notice dated 31st July 2015 issued by the present appellant to his Lawyer Advocate Gaikwad intimating him that the judgment of the lower appellate Court was not communicated to him resulting into causing delay. It is required to be noted herein that upon perusal of the said notice, it appears that same was issued by the applicant after this Court has rejected the request for condonation of delay and the Honourable Apex Court has permitted withdrawal of the S.L.P. Apart from above, upon perusal of the contents of notice and that of the pleadings raised in paragraph 3 of the application for condonation of delay, it would reflect that the applicant has voluntarily stated in his application that he has not contacted his Counsel on record before the appellate Court till the month of January 2014.

5. As such, the fact of issuance of notice by the applicant to his Lawyer was not within the knowledge of this Court on the date of

passing of last order.

6. Apart from above, the applicant has failed to invite attention of this Court to any of the facts which were canvassed but not considered by this Court.

7. So far as the second ground as regards issuance of notice to his Lawyer by the applicant is concerned, in view of above observations, i.e. the pleadings in paragraph 3 of the application for condonation of delay and the contents of the notice issued to the Lawyer are contradictory to each other and as such, same also does not hold any merit.

8. In view thereof, in my opinion, the cause that is sought to be canvassed in the present case in support of seeking review of the order of rejection of application for condonation of delay are by way of after thought.

9. As such, the review application being sans merit, stands rejected.

(N.W. SAMBRE, J.)

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