

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.205 OF 2014
IN
REVIEW PETITION (ST.) NO.2301 OF 2014
IN
CIVIL REVISION APPLICATION NO.177 OF 2006

Mangala Suresh Rajage and another ... Applicants
Vs.
Surekha Suresh Rajage ... Respondent

None for Applicants.
Mr. Dilip Bodake for Respondent.

CORAM : R. G. KETKAR, J.
DATE : 31ST JULY, 2015

P.C. :

Heard Mr. Bodake, learned Counsel for respondent.

2. By this Application, the applicants have prayed for condoning the delay of 68 days in filing the Review Petition.

3. Mr. Bodake invited my attention to the affidavit-in-reply filed by Ms Surekha S. Rajage - respondent herein and more particularly paragraphs 4 and 5 thereof. He submitted that the applicants have not made out sufficient cause for condoning the delay.

4. After perusing the application as also the reply filed by the respondent, I am satisfied that applicants have made out sufficient cause for condoning the delay. In the case of *State of Nagaland Vs. Lipok AO*, (2005) 3 SCC 752 wherein it is held by the Apex Court that what counts is not the length of the delay but the sufficiency of the cause and shortness of the delay is one of the circumstances to be taken into account in using the discretion. The expression “sufficient cause”

should be considered with pragmatism in a justice-oriented approach rather than the technical detection of sufficient cause for explaining every day's delay.

5. In view thereof, Civil Application is allowed in terms of prayer clause (a) with no order as to costs. Office is directed to register the Review Petition if it is otherwise ready.

(R. G. KETKAR, J.)

Minal Parab