

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.178 OF 2014
IN
REVIEW PETITION (ST.) NO.20205 OF 2014

Babasaheb Shahaji Patil ... Applicant
Vs.
Nagnath Tulshiram Takbhate and another ... Respondents

Mr. A. B. Tajane for Applicant.
Mr. S. D. Paithane for Respondents.

CORAM : R. G. KETKAR, J.
DATE : JANUARY 30, 2015

P.C. :

Heard Mr. Tajane, learned Counsel for the applicant and
Mr. Paithane, learned Counsel for respondents.

2. This is an application for condonation of delay of 116 days caused in filing the Review Petition. Mr. Tajane invited my attention to paragraph X of the application. As against this, Mr. Paithane invited my attention to paragraph M of the application and submitted that the applicant herein received the notice of Civil Application No.1199 of 2010 which was filed for impleading the applicant herein as party in the Second Appeal. Though the applicant was served with the notice, he did not remain present. He further submitted that the said application was heard before this Court on 22.12.2010. This Court directed that the said application may be heard along with the main Appeal. He submitted that the delay in filing the present application is not 116 days as claimed by the applicant but it has to be computed from 22.12.2010. He further submitted that the applicant is estopped in filing the Review Petition.

3. It is not possible to accept the submission advanced by

Mr. Paithane. Applicant has filed Petition for seeking review of the order dated 06.03.2014. The delay has to be computed from that date and not anterior thereto. The Review Application is filed on 29.07.2014. Having regard to shortness of delay viz. 116 days and for the reasons stated in the application, I am satisfied that the applicant has made out sufficient case for condoning the delay. Hence, Civil Application is allowed in terms of prayer clause (a) with no order as to costs.

(R. G. KETKAR, J.)

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