

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.160 OF 2014
IN
REVIEW PETITION ST. NO.14396 OF 2014
IN
FIRST APPEAL NO.1380 OF 2003

Sajid Ismail Furniturewala

... Applicant

Vs.

Smt.Sairabi Abdul Gaffar Shaikh,
since deceased, through heirs:

1A. Smt.Mehtab Yunus Khan

... Respondents

Mr.C.G. Gavnekar i/b Akshay Shinde i/b A.M. Kulkarni for the Applicant
Mr.Makarand Adkar a/w S.R. Ganbavale for Respondent No.2B

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 9th SEPTEMBER, 2015

(In Chambers)

P.C.:

1. This application is filed for condonation of delay in this review petition. The First Appeal was dismissed by order dated 25.10.2013 by this Court against which Special Leave Petition was preferred. It was dismissed on 17.12.2013. Thereafter, review petition is filed by the petitioner on 6.5.2014. Thus, there is a delay of more than five months. The learned Counsel for the petitioner submits that he relies on the reasons given in paragraphs 12, 13 and 14 of the application.

2. The learned Counsel for the Respondent opposes the application. He relied on the contents in the reply. So also, he submitted that the petitioner has filed six suits which are pending in the civil Court at Pune. He relied on the case status of those cases disclosing that in many matters, the evidence

was recorded during these five months. Therefore, he submits that this application ought not to be allowed.

3. In reply, the learned Counsel for Respondent No.2B submits that though evidence was being recorded in this matters at the civil Court, Pune, the respondent could not remain present because of his mental ill-health and also because he was looking after his friend, who was hospitalised.

4. Perused the application. Though there is a delay of five months, for the reasons stated in paragraphs 11, 12, 13 and 14, the delay is condoned, however, subject to the applicant paying costs of Rs.1,000/- to the respondent No.2B, within a period of two weeks.

5. Civil Application stands disposed of accordingly.

6. List the Review Petition on 15.10.2015 at 2.30pm in Chambers.

(MRIDULA BHATKAR, J.)

CERTIFICATE

I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment / Order.