

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**REVIEW APPLICATION NO.128 OF 2014
IN
WRIT PETITION NO.1374 OF 2014**

Dattatray Daji Bagave Petitioners
since deceased, through heirs
and Lrs, Smt. Laxmi Dattatray Bagave
& Ors.

Vs.

Shri. Sakharam Aappa Bagave Respondent

Ms. Perna Silimkar h/for Mr. Ashish Gaikwad, Advocate for the
Petitioners.

Mr. Raturaj Pawar h/for S.S. Patwardhan, Advocate for the
Respondent.

Coram : Smt. R.P. SondurBaldota, J.

Date : 17th June, 2015.

P.C.

1 This Review Petition is directed against the order dtd.9th
June, 2014, by which Writ Petition No.1374 of 2014 was dismissed.
By the said petition, the petitioner had challenged the order of the
lower appellate court rejecting the petitioner's application for
condonation of delay in filing the appeal.

2 Perusal of the review petition shows that there is no ground whatsoever made out by the petitioners for review of the order. The claim of the petitioners as regards the health of petitioner no.1 has already been dealt with. Ms. Silimkar, the learned advocate appearing for the petitioners submits that she has subsequently received instructions that the amount of costs had been deposited by the petitioners with their advocate, who had failed to deposit it in the court. No such claim was made either before the lower appellate court at the time the application for condonation of delay was heard nor before this court, when the petition was considered. Hence, the review petition is dismissed.

(Smt. R.P. SondurBaldota, J.)