

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

CIVIL APPLICATION NO.190 OF 2014

IN

REVIEW PETITION (STAMP) NO.31956 OF 2013

IN

CIVIL REVISION APPLICATION NO.642 OF 2011

Commissioner,

Nashik Municipal Corporation, Nashik

.. Applicant

Versus

Shree Kalaram Sansthan and others

.. Respondents

Shri. M. L. Patil for the Applicant.

None for the Respondents.

CORAM : R.M. SAVANT, J.

DATE : 09th MARCH, 2015

PC.

1. The above Civil Application has been filed for condonation of delay of 1 year and 204 days in filing the above Review Petition. The reasons for the delay are mentioned in paragraph 18 of the Civil Application. The sum and substance of the reasons is that the Corporation became aware of the order of which review is sought after the concerned officer of its Estate Department came to know of the said order in the month of July, 2012 from the office of the Special Land Acquisition Officer. It is further averred that thereafter a copy of the Civil Revision Application

was obtained from the office of the Government Pleader. The Corporation after obtaining the necessary approvals filed Civil Application No.445 of 2013 in this Court on 21.08.2012 for recall of the said order dated 29.03.2012, of which review is sought. The said Civil Application was placed for hearing on 03.10.2013. The said Civil Application was rejected on the ground that the order being a speaking order could not be recalled and the Civil Application filed for the purpose was not maintainable. It is thereafter that on 12th November, 2013 that the instant Civil Application has been filed seeking review of the said order dated 29.03.2012. None appears for the contesting Respondents though served. The reasons mentioned in paragraph 18, considering the fact that the applicant is a Municipal Corporation can be the plausible reasons for the delay which has occasioned in filing the Civil Application for review. Hence, accepting the reasons the above Civil Application is allowed. Resultantly, the delay of 1 year and 204 days stands condoned. List the Review Petition for hearing on 23rd March, 2015. The Civil Application is disposed of.

[R.M. SAVANT, J]