

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 3141 OF 2016
IN
REVIEW APPLICATION ST. NO. 5595 OF 2016
IN
WRIT PETITION NO. 1979 OF 2009**

Sunildatta Vithalrao Khirade .. Applicant

Versus

The State of Maharashtra and others .. Non Applicants

Shri Amit A. Mukhedkar, Advocate for the Applicant.
Ms. S. S. Raut, A.G.P. for Respondent Nos. 1 and 3.
Shri S. G. Kawade, Advocate for the Respondent No. 2.
None appears for Respondent Nos. 4 and 5 though served.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.
DATE : 18TH NOVEMBER, 2016.**

PER COURT :

. We have heard the learned counsel for the applicant, the learned Assistant Government Pleader for respondent Nos. 1 and 3 and the learned counsel for the respondent No. 2. Though the respondent Nos. 4 and 5 are served, none appears for respondent Nos. 4 and 5.

2. This is an application for condonation of delay caused in

filing review application. It is submitted that, because of the communication gap between the advocate and the applicant, the applicant could not get the knowledge of the order passed by this Court immediately. So also when the matter had come up for hearing the actual facts were not known to the advocate of the applicant in as much as on the statement made by respondents that the applicant is not in service, the writ petition was disposed of. In fact, the applicant was in service as on the said date.

3. The averments made in the application for condonation of delay are not controverted by non applicants by filing any affidavit. It is trite that, when technical considerations and cause for substantial justice are pitted against each others, the cause for substantial justice has to be sub-served..

4. Considering the aforesaid conspectus of the matter, the civil application is allowed. The delay caused in filing review application is condoned. The civil application is disposed of.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]