

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

**CIVIL APPLICATION NO.8 OF 2015
IN
REVIEW PETITION (STAMP) NO.31 OF 2015
IN
WRIT PETITION NO.4511 OF 2007**

Balakdas Tulshidas Bairagi and others

**..Applicants
(Review Petitioners)**

Versus

**Madhavdas Laldas Bairagi
(Since deceased through legal heirs)
Bhagirathibai M. Bairagi and others**

..Respondents

**Mr. N. A. Mogre for the Applicants/Review Petitioners.
Mr. P B. Shah for the Respondent No.1(a) to 1(e).
Mr. J. D. Gaikwad for the Respondent Nos.2 to 4.
Mr. P N. Joshi for the Respondent Nos.5 to 7.**

**CORAM : R. M. SAVANT, J.
DATE : 25th AUGUST, 2016**

PC.

1 The above Civil Application has been filed for condonation of delay of 92 days in filing the above Review Petition. The reasons therefor are mentioned in paragraphs 3 and 4 of the Civil Application. The sum and substance of the reasons is that in the last week of September 2014 the Applicants acquired knowledge of the Consent Terms being filed in the above Writ Petition No.4511 of 2007. It is further the case of the

Applicants that some time was lost in obtaining a copy of the Consent Terms which has resulted in the said delay of 92 days. On behalf of the Respondents to the above Civil Application i.e. Respondent No.1b Mr. Sunil Bairagi and the Respondent No.3 Mr. Gulab Bairagi affidavits opposing the Civil Application have been filed. The reasons mentioned in the Civil Application for seeking condonation of delay of 92 days have been questioned.

2 Heard the Learned Counsel for the parties.

3 Though the Learned Counsel for the Respondent Nos.1(a) to 1(e) and the Learned Counsel for the Respondent Nos.2 to 4 opposed the above Civil Application, in my view, having regard to the reasons mentioned in the Civil Application, for the said delay of 92 days occurring in the filing of the above Review Petition, as also with a view to give an opportunity to the Applicants to prosecute the Review Petition on merits, the above Civil Application is required to be allowed and accordingly allowed. Resultantly, the delay of 92 days in filing the Review Petition stands condoned. The Civil Application is disposed of.

[R.M.SAVANT, J]