

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

**CIVIL APPLICATION NO. 186 OF 2016
IN
REVIEW PETITION (ST.) NO. 20907 OF 2016
IN
CIVIL REVISION APPLICATION NO. 909 OF 2014**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. G.S. Godbole with Jai Karande with J. P. Kapadia with Akshay Vora with Tapan Agarwal i/b Little & Co. for the Applicant.

Mr. Rakesh Kumar with Shivkumar Mishra i/b M/s. Legal Vision for the Respondent No.1.

Mr. S.D. Rayrikar, AGP for State.

CORAM : K. K. TATED, J.

DATED : 26/08/2016

PC.:

- . Heard learned Counsel for the parties.
- 2 This application is for condonation of 88 days delay in filing Review Petition.
- 3 The learned Counsel for the Respondent No.1 filed affidavit-in-reply dated 19.08.2016. Same is taken on record.
- 4 The learned Counsel for the Respondent No.1 submits that Applicant has not explained the reasons for inordinate delay of 88 days in filing review petition. He submits that there is no substance in the Civil Application and same to be dismissed with costs.

5 I heard both the sides at length. It is to be noted that in paragraph 2 of the Civil Application applicant specifically stated that earlier they made application for extension of time to comply the order passed by this Court i.e. to deposit monthly compensation of Rs.55,000/-. Thereafter, the applicant taken advise from her Advocate. Advocate advised her to file S.L.P. In this process there was delay on the part of the Applicant to file present Review Petition.

6 The Apex Court in the matter of ***N.Balkrishnan Vs. M. Krishnamurthy (1998)*** 7 ***SCC 123*** held that the object of fixing the time limit is not meant to destroy the rights. The law of limitation fixes a lifespan for such legal remedy for the general welfare.

7 Considering the above mentioned fact and the law declared by the Apex Court in the matter of ***N.Balkrishnan(supra)***, I am satisfied that applicant has made out case for allowing Civil Application.

a) Civil Application is allowed in terms of prayer clause (a), which reads thus:

“a) This Hon'ble Court be pleased to condone the delay of 88 days in filing this Review Petition.”

b) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)