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

***CIVIL APPLICATION ST. NO. 34546 OF 2014
IN
REVIEW PETITION ST. NO. 34545 OF 2014
IN
WRIT PETITION NO. 1658 OF 2013***

Mr. Jijaba Sambhaji Gaikwad.

... Applicant.
(Orig. Petitioner.)

In the matter between

Mr. Jijaba Sambhaji Gaikwad.

... Petitioner.
(Orig. Petitioner.)

V/s.

The State of Maharashtra and Ors.

... Respondent.
(Orig. Respondents)

Mr. V.V. Pai for the Applicant.

Ms. M.S. Bane, 'B' Panel AGP for Respondent 1.

CORAM : N.M. JAMDAR, J.

DATE : 15 FEBRUARY, 2016.

P.C. :-

Perused the application. Heard the learned Counsel for the Applicant. The application is taken out for condonation of delay of 20 months and 15 days in filing the Review Petition. The Review Petition St. No. 34545 of 2014 is filed seeking review of

the order passed on 25 March 2013. The Writ Petition was dismissed essentially on the ground that the impugned order therein was passed on 22 February 2001 and the Writ Petition was filed in the year 2013 with a delay and laches of 12 years. It was also noted that the Authorities had recorded concurrent finding of the fact and the order stands implemented.

2. Mr. Pai submitted that there were proceedings under Section 32(P) of the Act of 1948 and therefore, there was no delay as stated. He also sought to urge that the order passed by the Tribunal was incorrect. That there have been proceedings under Section 32(P) of the Act has not been mentioned in the memo of the original petition. Only explanation for delay was allegations against the Advocate, but that cannot justify the delay of more than decade. Such casual reopening of matters causes prejudice to the parties who has succeeded. Even the review has been filed after period of 20 months. Considering the facts and circumstances, this is not a case where review jurisdiction of this Court can be exercised. The Civil Application for condonation of delay is allowed so that the Review Application can be considered on merits and the matter can be put to an end to, without taking further procedural steps.

3. Review Application accordingly cannot be entertained and is rejected.

4. Civil Application St. No. 34546 of 2014 stands disposed of as aforesaid.

(N.M. JAMDAR, J.)