

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLN. (O) NO. 1949 OF 2015

IN

MISC. CIVIL APPLN.ST. NO.17831 OF 2015

IN

WRIT PETITION NO. 3105 OF 2010

Prashant Namdeoao Gajapure

-vs-

Rashtrasant Tukdoji Maharaj Nagpur University, through its Registrar and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.S.K.Thengri, counsel for the applicant.

CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.

DATE : 15.07.2016.

By this civil application, the applicant seeks condonation of delay of 1781 days in filing the review application.

The writ petition filed by the applicant, bearing Writ Petition No.3105 of 2010 was dismissed by this Court by the judgment, dated 21/09/2010. The applicant has filed an application seeking a review of the said judgment along with an application for condonation of delay in filing the review application, on 30/10/2015. There is a delay of 1781 days in filing the review application. It is stated in the review application that the judgment in writ petition was challenged by the applicant before the Hon'ble Supreme Court and the Hon'ble Supreme Court had dismissed the Special Leave Petition, on 07/07/2011. It is stated that the counsel for the applicant was not informed about the said decision till the file was returned to him on 29/11/2014. It is the case of the applicant that when the applicant contacted the counsel in November, 2014, he was informed about the dismissal of the Special Leave Petition, on 07/07/2011. It is stated that

though the applicant is a literate person, he has no knowledge of law and he was solely dependent on the counsel.

We do not find that the explanation for the inordinate delay is sufficient for condoning the same. If the petitioner had filed the Special Leave Petition in the year 2010, the applicant ought to have contacted his counsel before November, 2014. It is not stated in the application as to whether the applicant contacted his counsel in Delhi at any point of time from the date of filing of the Special Leave Petition, till November, 2014. Also, there is no explanation whatsoever in regard to the delay after 29/11/2014, when the file was returned to the applicant. There is substantial delay in filing the review application, even after the applicant secured the knowledge about the dismissal of the Special Leave Petition. We find that there is absolute negligence on the part of applicant in prosecuting the matter and hence, the inordinate delay of more than five years cannot be condoned.

Since no case is made out for condoning the delay of 1781 days in filing the review application, we reject the application with no order as to costs.

Since Civil Application (O) No.1949 of 2015 is rejected, Miscellaneous Civil Application Stamp No.17831 of 2015 stands disposed of.

JUDGE

JUDGE

C E R T I F I C A T E

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : G.S.Khunte,
P.A.to Hon'ble Judge

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