

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

**Civil Application No.1661 of 2017
With
Civil Application No.1662 of 2017
In
Review Application Stamp No.2041 of 2017
In
Second Appeal No.752 of 2003**

Shaikh Ismail s/o Shaikh Osman
And Another.

.. Applicants.

Versus

Meenakshi w/o Shamprasad Kayastha
And Others.

.. Respondents.

Shri. Naseem R. Shaikh, Advocate, for applicants.
Shri. A.S. Bajaj, Advocate for respondents 1 & 2.

**Coram: T.V. NALAWADE, J.
Date: 2 March 2017**

ORDER:

1) Civil Application No.1661 of 2017 is filed for condonation of delay of 462 days and for review of the judgment given in Second Appeal No.752 of 2003 (Roshanbee Shaikh v Meenakshi Shamprasad Kayshta) dated 14-9-2015. As there is huge delay in filing review application, this Court asked the learned counsel for the applicants to show that there is at least some case on the

basis of which notice can be issued to the respondents otherwise it will be unnecessary harassment to the respondents.

2) Learned counsel for the applicants submitted that few facts were not brought to the notice of this Court like sale of some portion of land Gat No.593. When the applicants were the appellants it was necessary for them to bring to the notice of this Court that there were any circumstances which would have affected the decision. On this ground alone review is not possible.

3) The learned counsel submitted that during pendency of the second appeal, respondent No.2, Smt. Deokabai died on 8-5-2015 and her share would devolve on respondent Nos.1 and 3 and due to that the share would get decreased. These circumstances can be considered even in the execution proceeding. Thus there is no necessity of condonation of delay and review the previous decision. In the result, the application stands rejected. Civil Application No.1662/2017 stands disposed of.