

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

BENCH AT AURANGABAD.

**CIVIL APPLICATION NO.7186 OF 2015
IN
RAST NO.16802 OF 2015
IN
C.A.No.4933 of 2011
IN
S.A.NO.514 OF 1992.**

Chandrabhagabai W/o Laxman ... Applicant.

Versus

Mangalabai W/o Narayan Lande
and others. Respondents.

...
Mr.V.T.Choudhari, advocate holding for
Mr.T.S.Lodhe, advocate for the applicant.
Mr.D.N.Patil, advocate for Respondent Nos.1 to 3
absent.

...

CORAM : S.V.GANGAPURWALA, J.

Date : 29.09.2017.

PER COURT :

1. The applicant seeks condonation of delay of 1492 days in filing the Review Application. The applicant seeks review of the

order of this Court dated 15.4.2011 in F.A.No.514 of 1992.

2. I have heard Mr.Choudhari, learned counsel for the applicant.

3. The order of which review is sought reads as under :

"This Civil application is moved for disposal of the Second Appeal in view of the compromise. The compromise is not effected in the Court but outside the Court. Said settlement between the parties is at Exh.R-1 to the Civil Application. In view of the compromise entered into the parties which is at Exh.R-1 of Civil Application No.4933/2011. Shri Shinde the learned counsel on instruction of the appellant who is present in the Court seeks leave to withdraw the Second Appeal. Second Appeal is accordingly dismissed as

withdrawn with no order as to costs."

The withdrawal was sought by the present applicant of the Second Appeal by filing Civil Application No.4933/2011. The said withdrawal of the Second Appeal was sought in view of the compromise dated 28.3.2011.

4. It is submitted by Mr.Choudhari, learned counsel that subsequently the Respondent did not abide by the terms of the compromise dated 28.3.2011.

5. The said ground can not be a ground for Review. In case some agreement is entered into between the parties outside the Court and thereafter, the parties are not abiding by the said terms, the remedy of the applicant lies elsewhere. The applicant has to prosecute the said remedy. The same can not be a ground for review.

6. In view of the above, the application for condonation of delay and Review stand

dismissed. No costs.

(S . V . GANGAPURWALA , J .)

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