

Sequeira

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

REVIEW PETITION NO. 92 OF 2016

Adam Ghudu Bandar & Ors. .. Petitioners / Ori. Respdts.
Vs
Shamshuddin Abbas Pattekari & Ors. .. Respondents

***In
WRIT PETITION NO. 7785 OF 2013***

Shri Shamshuddin Abbas Pattekari .. Petitioner
Vs
The President / Secretary,
Deshbhakt Padmanshree Ratnappa
Kumbhar Education Society,
Kolhapur & Ors. .. Respondents

Mr.Rajiv Chavan, Senior Advocate a/w Priyanka Chavan i/b
Dhairyasheel Sutar, for Petitioners.

Mr.Meelan Topkar, for Respondents.

***Coram : N.M.Jamdar, J.
Date : 25 July 2017.***

P.C. :

By this Review petition, the order dated 18 December 2015, allowing the Writ petition filed by Respondent No.1-original Petitioner, is sought to be reviewed. By this order the application for condonation of delay, which was rejected by the School Tribunal, was allowed subject to the original Petitioner paying the cost of Rs.10,000/-. Further directions were also issued considering the

factum of delay.

2. Heard Mr.Rajiv Chavan, learned Senior Advocate for Petitioners and Mr.Topkar, learned counsel for Respondents.

3. Mr.Chavan the learned Senior Advocate for the Petitioners, submitted that the various aspects in the matter have not been considered, including the withdrawal of the earlier Writ petition. Mr.Topkar, the learned counsel for Respondents submitted that there is no error in the order nor any ground is made out to review the order dated 18 December 2015.

4. The order dated 18 December 2015 was passed after hearing all the parties and having found that the delay was not of inordinate nature. By balancing the equities and upon imposition of costs, the Writ petition was allowed. As regards the contention that the original Petitioner cannot urge his case on merits in view of withdrawal of the Writ petition, the said point was kept open to be agitated in the School Tribunal. It is informed that the original Petitioner has paid the costs, however, in view of the pendency of the Review petition, the Appeal has not been proceeded with. Considering the submissions, no ground is made out to review the order dated 18 December 2015.

5. Review Petition is accordingly rejected.

(N.M.Jamdar, J.)