

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.124 OF 2017

IN

REVIEW PETITION (ST.) NO.8553 OF 2017

(Salim Mahammad Khatik (Kureshi) and others Vs. Razia Mukhtar Tade (decd) and others)

Office Notes, Office Memoranda of Coram, appearances, Court's orders, or directions, and Registrar's Orders	Court's or Judge's orders
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Mr. Niketan S. Nakhawa for Applicants.
Mr. Atul Jawale for Respondents No.1 to 4.

CORAM : R. G. KETKAR, J.**DATE : 26TH SEPTEMBER, 2017****P.C.:**

Heard Mr. Nakhawa, learned Counsel for applicants and Mr. Jawale, learned Counsel for respondents No.1 to 4.

2. This is an application for condonation of delay of 5 days in filing the Review Petition. For the reasons stated in the Application, I am satisfied that sufficient cause is made out. Hence, delay of 5 days is condoned. Civil Application is disposed of accordingly.

3. At the request of the learned Counsel for the parties, Review Petition is taken up for hearing.

4. By this Petition under Section 114 read with Order

XLVII, Rule 1 of the Code of Civil Procedure, 1908, petitioners have sought review of the order dated 14.02.2017. The petitioners moved praecipe dated 23.01.2017 for speaking to the minutes of the order dated 19.01.2017. No order was passed on the praecipe. It is against this order, petitioners have instituted the present Petition.

5. Mr. Nakhawa submitted that on two occasions, this Court remitted the matter to the trial Court for deciding it afresh. He apprehends that again he will have to come to this Court challenging the order after remand. In my opinion, apprehension raised by Mr. Nakhawa is not well founded. In view thereof, I do not find that any ground is made out for review of the order dated 14.02.2017. Hence, Review Petition fails and the same is dismissed.

(R. G. KETKAR, J.)

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