

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

**CIVIL APPLICATION NO.49 OF 2017
IN
REVIEW PETITION STAMP NO.25897 OF 2016
(REJECTED CASE NO.108 OF 2017
IN
WRIT PETITION NO.9030 OF 2015**

Nandkumar Bhaskaran Nair : Applicant/Petitioner.

versus

Vishwas Co-operative Bank Ltd, Nashik : Respondent.

Mr. Sandesh Deshpande for the Applicant/Petitioner.

Mr. Prashant Naik i/by Mr. S R Waghmare for the Respondent.

CORAM : R. M. SAVANT, J.

DATE : 10th February 2017

P.C.

1 Not on board. Since the above Review Petition is companion to Review Petition No.28 of 2017, which is disposed of today, the above Review Petition is taken on board at the request of the learned counsel for the parties.

2 The above Civil Application has been filed seeking condonation of delay of 159 days in filing the above Review Petition. The review is sought of the order dated 14/03/2016 passed by this Court (R.M.Savant, J) in the above Writ Petition No.9030 of 2015. By the said order, the above Writ Petition came

to be dismissed and resultantly the order dated 22/04/2015 passed by the learned President of the Maharashtra Co-operative Appellate Court, Mumbai rejecting the application for condonation of delay in filing the Appeal filed by the Petitioner came to be confirmed.

2 Whilst dismissing the above Writ Petition, this Court has observed in paragraph 1 of the order dated 14/03/2016 to the following effect :-

“ After the recovery certificate was issued, it seems that the property has also been auctioned and the sale was confirmed in favour of the auction purchaser who has sold the said property to a third party who in turn has further created third party rights and it seems that the property is now with a 4th purchaser.”

In the light of the said observation and having regard to the grounds of review which are set out in the above Review Petition, no case for review under any of the eventualities mentioned in Order XLVII of the Code of Civil Procedure is made out. Hence there is no merit in the above Review Petition filed by the Petitioner. In view thereof, no useful purpose would be served by condoning the delay in filing the above Review Petition. The above Civil Application is accordingly rejected.

3 In view of rejection of the above Civil Application, the above Review Petition Stamp No.25897 of 2016, which suffers from the delay of 159 days, would accordingly stand disposed of.

[R.M.SAVANT, J]