

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

**CIVIL APPLICATION NO.40 OF 2017
IN
REVIEW PETITION NO.28 OF 2017
IN
WRIT PETITION NO.8989 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 The above Civil Application has been filed seeking condonation of delay of 158 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.8989 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 2 of the order dated 14/03/2016 to the following effect :-

“It seems that pursuant to the Recovery Certificate issued under Section 101 of the said Act, the property of the Petitioner has also been sold and the auction purchaser has subsequently entered into the transaction and it seems that the property is now in the hands of the 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 No.28 of 2017, which suffers from the delay of 158 days, would accordingly stand disposed of.

[R.M.SAVANT, J]