

2. On 28th August, 2017, this Court passed an order directing the above Miscellaneous Civil Application to be placed for hearing and final disposal on 15th September, 2017. This Court also directed the Applicant to serve a copy of the Miscellaneous Civil Application alongwith a copy of the order dated 28th August, 2017 on the Respondent by Speed Post/Registered Post A.D. and/or by hand-delivery and further directed the Applicant to file an Affidavit proving service on the adjourned date.

3. On 15th September, 2017, the matter was adjourned to 18th September, 2017. However, the Respondent failed to appear before this Court on that day either in person or through his Advocate.

4. On 18th September, 2017, the Miscellaneous Civil Application No.260 of 2017 was taken up for final hearing. However, the Respondent was once again not present in Court by himself and/or through his Advocate. An Affidavit proving service dated 13th September, 2017 was filed in Court.

5. After going through the Affidavit proving service, it became clear that the Advocate for the Applicants under cover of his letter dated 31st August, 2017 had forwarded a copy of the Miscellaneous Civil Application alongwith photocopy of the order dated 28th August, 2017 to the Respondent by Speed Post/Registered Post A.D. which was received by the Respondent on 4th September, 2017. In view thereof, this Court proceeded with the hearing of the Miscellaneous Civil Application and by its detailed order allowed the Miscellaneous Civil Application.

6. The Respondent has now filed the Review Application and has also filed the Civil Application seeking condonation of delay in filing the Review Petition on the ground that he had not received a copy of the Miscellaneous Civil Application. From the contents as well as annexures to the Affidavit proving service filed by the Applicants, it appears that the Respondent has approached this Court with a incorrect case. In view thereof, the above Civil Application seeking condonation of delay in filing Review Petition is dismissed. Consequently, the Review Petition also stands dismissed.

(S.J.KATHAWALLA, J.)