

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAO) NO. 1290 OF 2015

IN

M.C.A. ST. NO.5385 OF 2015 (REVIEW)

IN

WRIT PETITION NO. 6806 OF 2013(D)

(DIGAMBAR BALAJI MURLIDHAR & ANR...VS.. JOINT CHARITY COMMISSIONER, AMRAVATI & 3
OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.R.Deshpande, Advocate for applicants.

CORAM : Z.A.HAQ, J.

DATED : JUNE 15, 2017.

Heard.

The original petitioners have filed this application praying that delay of 229 days in filing the review application be condoned. The petitioners have filed the review application praying that the order passed by this Court on 30th June, 2014 by which the petition filed by them is dismissed be reviewed.

The petition arose out of the order passed by the learned Joint Charity Commissioner directing the Inspector of the office of Assistant Charity Commissioner to hand over the charge of the trust and the property as per the directions given earlier by the Joint Charity Commissioner by the order passed on 29th January, 2013. In the order dated 30th June, 2014 passed by this Court by which the review is sought it is recorded that earlier order passed by the Joint Charity Commissioner on 29th January, 2013 is not challenged and

therefore, the directions given to the Inspector of the office of Assistant Charity Commissioner could not be faulted with as those directions are consequential.

One of the ground on which the review is sought is that the earlier order passed by the learned Joint Charity Commissioner on 29th January, 2013 was also challenged in Writ Petition No.6806 of 2013 in which the order dated 30th June, 2014 came to be passed and as the advocate who was engaged by the petitioners did not attend and argue the matter, it is not noticed by the Court. Though the submission *prima-facie* appears to be appealing, in my view, it is misdirected inasmuch as it is the fact that till the consequential order came to be passed by the learned Joint Charity Commissioner giving directions to the Inspector of the office of Assistant Charity Commissioner, the earlier order was not challenged and the earlier order is challenged simultaneously in the same petition.

Be that as it may, on examining the application praying for condonation of delay I find that the explanation does not constitute “sufficient cause” on the basis of which the inordinate delay can be condoned. Apart from this, the applications are filed on 14th March, 2015 and there has been no sincere efforts on the part of the applicant/ petitioners to get the applications heard.

In view of the above, the civil application is **dismissed**. Consequently the Miscellaneous Civil Application Stamp No. 5385 of 2015 is also **rejected**.

JUDGE