

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 12710 OF 2010
IN WP/5690/2004 WITH RA/226/2011 IN WP/5690/2004

MAHA STATE CO OPERATIVE BANK LIMITED
VERSUS
STATE OF MAHA & ORS

Mr.R.N.Dhorde, Senior counsel for the applicant
Mr.S.B.Yawalkar, AGP for the respondent/State
Mr.G.N.Chincholkar, Advocate for respondent No.4
Mr.K.B.Choudhary, Advocate for respondent No.5

**CORAM : S.S.SHINDE &
S.M.GAVHANE, JJ.**
DATED : 12.03.2018

P.C. :-

1. Heard learned Senior counsel appearing for the review applicant and learned counsel appearing for the non-applicant/respondents. Learned Senior counsel invites our attention to para Nos.6 and 7 of the application for condonation of delay and submits that since the non-applicant No.4 did not act as per and on the basis of the consent terms, which were placed on record in writ petition No.5690/2004 and on the basis of said terms petition was disposed of. The petitioner has no option but to file the application for review of the order passed on the basis of consent terms of the parties for revival of prayers in the writ petition. Learned counsel

appearing for the respective respondents vehemently opposed the prayer for condonation of delay. Learned counsel for respondent No.4 invites our attention to the reply filed to the application for condonation of delay.

2. We have heard the learned counsel appearing for the parties. Keeping in view the averments made in the application and in particular para Nos.6 and 7 thereof, we are of the opinion that the sufficient cause has been disclosed so as to condone the delay. It appears that, pursuant to the compromise between the petitioner and respondent No.4, as alleged in the review application respondent No.4 refused to act in terms of compromise. In that view of the matter in our opinion the review application needs to be considered on merits. Hence, for the reasons stated in the application for condonation of delay, same is allowed and disposed of. List the Review application on 21.03.2018.

[S.M.GAVHANE,J.]

[S.S.SHINDE,J.]