

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

**942 CIVIL APPLICATION NO. 2922 OF 2018
IN RAST/40278/2017**

RANGNATH MANKAJI SHELKE AND ORS .. Applicants

VERSUS

VENKATI MANKAJI SHELKE ..Respondent

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Advocate for the Applicants : Shri Kishor D. Khade

Advocate for the Respondent : Shri M.C. Ghode

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CORAM : PR. BORA, J.

Dated: JULY 13, 2018

PER COURT :

1. Heard the learned Counsel for the applicant and the learned Counsel for the respondent.

2. This is an application seeking condonation of delay, which has caused in filing review application by the present applicant. Delay of 128 days has occurred in filing the review application. It is the contention of the applicants that, because of the financial constraints they could not take the necessary steps to file the review application within the stipulated period.

3. The learned Counsel for the applicants has relied upon the following judgments in support of his contention.

- (i) Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy and Others, (2013) 12 Supreme Court Cases 649
- (ii) Kishan Santoba Gadhve Vs. Amol Shivaji Gadhwe, Order dated 01.02.2018 in Writ Petition No.11978 of 2016, Bombay High Court Aurangabad Bench.
- (iii) Gauri Shankar Vs. Rakesh Kumar & Ors, 2017 (6) ALL MR 462 (S.C.)
- (iv) Danamma @ Suman Surpur & Anr Vs. Amar & Ors, Civil Appeal Nos.188-189 of 2018 (@SLP(C) Nos.10638-10639 of 2013)

4. The learned Counsel for the respondent has opposed for condoning the delay stating that, the reason which has been assigned cannot be a reason for condoning the delay. The learned Counsel has relied upon the following Judgments in support of his contention.

- (i) Brijesh Kumar & Others Vs. State of Haryana & Others, (2014) 11 Supreme Court Cases 351.
- (ii) P.K. Ramachandran Vs. State of Kerala and Another, (1997) 7 Supreme Court Cases 556.

5. It appears to me that, the reason which has been assigned by the applicants cannot be outrightly rejected. In the peculiar facts as are existing in the present case the financial constraint can also be a reason for occurrence of delay. Moreover, delay is not of longer period, but only of 128 days. I am, therefore, inclined to allow the application. Hence the order.

ORDER

- (i) Civil Application is allowed.
- (ii) The delay caused of 128 days in filing Review Application is condoned. Review Application be registered in accordance with law. Civil Application for condonation of delay stands disposed of.

(PR. BORA, J.)

ggp