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

**CIVIL APPLICATION NO.1475 OF 2013
IN
CIVIL APPLICATION NO.100 OF 2012
IN
REVIEW PETITION (L) NO.4757 OF 2012
IN
WRIT PETITION NO.5481 OF 2011**

Janata Men's Weat & Anr. .. Review Petitioner.
Vs.
Central Bank of India & Ors. .. Respondents.

Mr.Precilla D'Souza for the Petitioner.
None for the Respondents.

**CORAM : A.A. SAYED &
A.K. MENON, JJ.**

DATED : 28TH NOVEMBER, 2018.

P.C. :

1. The Civil Application essentially seeks restoration of Civil Application 100 of 2012 in Review Petition (L) No.4757 of 2012. The Civil Application was dismissed by order dated 30th January, 2013.
2. The Petitioner had filed Review Petition being Review Petition (L)

No.4757 of 2012 seeking review of the judgment and order dated 26th September, 2011 in Writ Petition No.5481 of 2011. The said Writ Petition was filed challenging the order of DRAT dated 19th March, 2011 requiring the Petitioner to deposit an amount of Rs.2 crores to entertain the Appeal since under the Recovery Certificate an amount of Rs.4.05 crores was due and payable to the bank. While dismissing the Writ Petition, this Court had observed that in the affidavit in reply filed by the bank, it is stated that despite a prohibitory order, the Petitioners have sold certain immovable property. On 21st February, 2012 the Petitioner filed Civil Application No.100 of 2012 for condonation of delay of 180 days in preferring the Review Petition. On 30th January, 2013 the Civil Application No.100 of 2012 was dismissed for want of prosecution. The said order dated 30th January, 2013 reads as follows :

- “1. The Applicants and their Advocate were absent on 23 January 2013. However, in the interest of justice we directed that hearing of the application shall stand over to 30 January 2013 as and by way of a last and final opportunity.
2. Today as well, though the Civil Application has been listed on board, the Applicants and their Advocate are absent. The Civil Application is accordingly dismissed for want of prosecution.
3. In view of the dismissal of the Civil Application which was taken out for condonation of delay in filing the review petition, the review petition shall not survive and stands dismissed as such.”

3. The Petitioner has now filed the present Civil Application No.1475 of 2013 for restoration of Civil Application No.100 of 2012 in Review Petition (L) No.4757 of 2012 without seeking to recall the order dated 30th January, 2013.

4. Even otherwise, upon perusal of the averments in the Civil Application, we are of the view that the Petitioner has not made out sufficient grounds for restoration of the Civil Application. The Petitioner has not been diligent throughout. Hence, the Civil Application is dismissed.

(A.K. MENON,J.)

(A.A. SAYED,J.)