

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.97 OF 2018
IN
REVIEW PETITION ST NO.28536 OF 2017
IN
CIVIL REVISION APPLICATION NO. 234 OF 2017**

Suhas Balkrishna Samant

..Applicant

Vs.

Ganpat Sakharam Shete & Ors.

..Respondents

Ms Rushita Jain for the Applicant/Review Petitioner

**CORAM : R. M. SAVANT, J.
DATE : 27th MARCH, 2018**

(IN CHAMBER AT 2.45PM.)

P.C.

1 The above Civil Application has been filed seeking condonation of delay of 138 days in filing the above Review Petition. The reasons for the said delay are mentioned in the above Civil Application. The above Review Petition has been filed seeking review of the order dated 21-4-2017 passed by this Court in the above Civil Revision Application. In the said order the statement of the Learned Counsel for the Applicant therein i.e. the Review Petitioner herein Shri Khandeparkar has been recorded which is to the effect that the Applicant would not press the above Civil Revision Application and would be satisfied if a reasonable time to vacate the premises in question is granted. This statement was made on the basis of the instructions of the Applicant who

was personally present in Court which fact is also recorded in the said order. The said statement made by the Learned Counsel for the Applicant in the said Civil Revision Application was put to the Applicant who was personally present in Court, who stated that the said statement is acceptable to him. It is further observed in the said order that in view of the said statement, it is not necessary to deal with the above Civil Revision Application on merits. In view of the said statement, the Applicant i.e. the Review Petitioner herein was granted time up to 31-3-2018 to vacate the suit premises on the usual undertaking to be filed by the Applicant and his family members who are residing in the suit premises. The Applicant it seems has accordingly filed the undertaking. It is on the anvil of the said date i.e. 31-3-2018 that the above Civil Application for condonation of delay in filing the Review Petition has been filed i.e. on 13-3-2018. The Review Petition though filed on 7-10-2017 was not moved.

2 In the light of the aforesaid facts, this Court therefore before considering the application for condonation of delay, ventured to consider whether there is any merit in the above Review Petition. As indicated above, the Review Petitioner who was the Applicant in the above Civil Revision Application made a statement through his Counsel that he would not press the above Civil Revision Application but would be satisfied if some time was granted to vacate the premises. The Applicant was was personally present in Court confirmed the said statement and prior thereto as can be seen from the

order of which review is sought his identity etc., was confirmed by referring to his Pancard. Once having done so it would not lie in the mouth of the Review Petitioner herein to now contend that he did not understand the implications of the statement made by the Learned Counsel and that it was his belief that the said statement was made in his interest.

3 In the facts as aforestated, this Court is of the view that there is no merit in the above Review Petition. Hence no discretion is required to be exercised in favour of the Applicant in the matter of condoning the delay. The above Civil Application is accordingly rejected.

4 In view of the rejection of the above Civil Application, the above Review Petition which suffers from the delay of 138 days, does not survive and to accordingly stand disposed of.

[R.M.SAVANT, J]