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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION (STAMP) NO.12297 OF 2018
IN
WRIT PETITION NO.11760 OF 2013

Dnyaneshwar N. Mulik

...Review
Petitioner

V/s.

Giridhar K. Lele, since deceased
through His L.Rs.- Mandakini Sahastrabuddhe & Ors. ...Respondents

Mr.Uday P. Warunjikar for the Review Petitioner.
Mr.S.Nimbalkar i/b Juris Corp for the Respondent Nos.1 to 7.
Mr.S.D. Rayrikar, A.G.P. for the State – Respondent No.8.

CORAM : R.D. DHANUKA, J.
DATE : 8TH JUNE, 2018.

P.C. :-

1. The review petition has been filed by the original petitioner seeking recall of the order dated 19th March, 2018 passed by this Court by consent of the petitioner and respondent nos.1 to 7 to the writ petition. The writ petition came to be disposed of by the said order thereby directing the respondent nos.1 to 7 to file an application for condonation of delay. The application for condonation of delay has been already filed by the respondent nos.1 to 7 pursuant to the liberty granted by this Court by an order dated 19th March, 2018.

2. The review petition has been filed on three grounds. The

first ground is that the petitioner had not given any consent before this Court when the order dated 19th March, 2018 came to be passed. The second ground is that this Court ought to have verified the power of attorney and the Vakalatnama of the respondent nos.1 to 7 before allowing those parties to appear before this Court and since some of the parties had allegedly not given the authority in favour of the constituted authority, who filed Vakalatnama for them, the entire order is vitiated. The third ground is that some of the respondents have expired.

3. Insofar as the first ground raised in this review petition is concerned, Mr.Warunjikar, learned counsel appearing for the review petitioner at this stage states that he does not press that issue and prays that only the second and third grounds raised in this review petition be considered.

4. A perusal of the order dated 19th March, 2018 clearly indicates that the said order was passed by consent of all the parties. In my view, the review petitioner had succeeded in the said writ petition which was disposed of by consent of all the parties by an order dated 19th March, 2018. Both the parties through their counsel had given consent on instructions which was recorded by this Court. The first ground raised by the review petitioner in this writ petition is totally frivolous and mischievous.

5. Insofar as the second ground raised in this review petition is concerned, the Court is not required to verify the power of attorney and the Vakalatnama before passing an order. It was for the advocates to verify the power of attorneys of their respective clients. The petition was on board for more than 4 years. No such objection was raised by the petitioner at any stage. There was change of advocates by the respondent nos.1 to 7. Learned advocates representing the respondent nos.1 to 7 had filled the Vakalatnama on behalf of the respondent nos.1 to 7. This ground raised by the review petitioner in this review petition is also totally frivolous and mischievous.

6. The third ground raised by the review petitioner is that some of the respondents are not alive. No details of such alleged death is furnished before this Court at any stage. None of the parties brought these allegations to the notice of this Court. I am not inclined to recall the order dated 19th March, 2018 which was passed by consent of all the parties.

7. The review petition is thoroughly misconceived and is dismissed with costs quantified at Rs.50,000/- which shall be paid by the petitioner to the respondent nos.1 to 7 within one week from today.

(R.D. DHANUKA, J.)