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

**CIVIL APPLICATION (ST) NO.25673 OF 2018
IN
REVIEW PETITION (ST) NO.25672 OF 2018
IN
SECOND APPEAL(ST) NO.13813 OF 2018**

M/s Sea Princes Realty ... Applicant.
V/s.
Mr. Bhupendra Ramji Vira ... Respondent

Mr. Prateek Sakseria a/w Mr. Mayur Khandeparkar
a/w Mr. Nilesh Gala i/by A. P. Bidaye, for the
applicant.

Mr. Mustafa Safiyudin a/w Mr. Munaf a/w Virjee I/by
ABH Law LLP, for respondent

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 6th SEPTEMBER, 2018.

P.C. :

- 1] Heard learned counsel for the applicant and respondent.
- 2] This application is for condonation of delay of 49 days in filing the Review Petition.
- 3] The reasons given are two fold; firstly, the inadvertence on the part of applicant and secondly, that the talks of amicable settlement were in progress.
- 4] Learned counsel for respondent has strongly resisted this application, on the ground that the delay is not properly explained. It

is denied that the talks of settlement with the present respondent were in progress and secondly, that the reason of inadvertence, is not sufficient to condone the delay.

4] In my considered opinion, as the Review Petition against the common order which is filed by the other appellants in the companion appeals in the said case is already fixed for hearing, it would be just and proper to condone the delay in filing this Review Petition also, as it raises the same ground for review.

5] However, the reason given for condonation of delay being not satisfactory, it being only stated that it was on account of inadvertence; and the ground that it was on account of talks of amicable settlement were in progress being denied by respondent, the delay is condoned subject to costs of Rs.10,000/- to be paid by the appellant to respondent, within 15 days from the date of this order, and failing to do so will result in dismissal of the application.

6] Application is disposed off.

[DR.SHALINI PHANSALKAR-JOSHI, J.]