

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL APPLICATION (L) NO. 34919 OF 2018****IN****REVIEW PETITION (L) NO. 34391 OF 2018****IN****WRIT PETITION (ST) NO. 15907 OF 2018****Smt.Mangal W/o. Ganpat Doifode****..... Applicant
(Org. Respondent
no.8)****VERSUS****Bajrang S/o. Manohar Sonavane & Ors.****..... Respondents**

Mr.V.D.Salunke, a/w. Mr.G.K.Naik Thigle, i/b. Mr.A.B.Kakade for the Applicants in review petition and civil application.

Mr.Shailendra Kanetkar for the Respondents.

CORAM : R.D. DHANUKA, J.**DATE : 10th DECEMBER, 2018****P.C.**

Not on board. Taken on board.

2. By this civil application, the applicant (original respondent no. 8) seeks a declaration that there is no delay in filing review petition and in case this court comes to the conclusion that there is any delay in filing review petition, the same may be condoned.

3. The applicant seeks recall of the order dated 13th June, 2018 in Writ Petition (St) No.15907 of 2018. The said order was admittedly passed *ex-parte* insofar as this applicant is concerned. The applicant thereafter appeared before this court and filed affidavit in reply

opposing the writ petition on various grounds including the ground of jurisdiction. The matter appeared before Smt.Revati Mohite Dere, J. on 17th September, 2018. This court was of the view that since the applicant seeks recall of the order passed by R.D.Dhanuka, J., this court directed the registry to take steps to place the matter before this court presided over by R.D.Dhanuka, J. The matter thereafter appeared before this court on 27th November,2018 when this court permitted the applicant to file the review petition for recalling of the order dated 13th June, 2018.

4. The earlier order was passed by this court *ex-parte* and thereafter the applicant has already filed affidavit before this court raising an issue of jurisdiction. In these circumstances, in my view there is no delay in filing review petition. On perusal of the averments made in the civil application, in my view even otherwise the applicant has made out a case for condonation of delay in filing review petition. Civil application is accordingly disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]