

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 274 OF 2018
IN
REVIEW PETITION (L) NO. 30 OF 2018
IN
WRIT PETITION NO. 2965 OF 2015
AND
REVIEW PETITION (L) NO. 30 OF 2018
IN
WRIT PETITION NO. 2965 OF 2015

Parvati Mahadev Gaikar

...Petitioner

Versus

The State of Maharashtra & Ors

...Respondents

Ms Vaijayanti R Kalekar, for the Petitioner.

Mr Mahesh Mishra, i/b Ravi Thankaian, for Respondent No. 5.

Mr US Upadhyay, AGP for the State of Maharashtra.

CORAM: G.S. PATEL, J

DATED: 30th July 2018

PC:-

1. The Notice of Motion seeks that a delay of 71 days in filing the Review Petition be condoned. The Notice of Motion itself

points out that the Review Petitioner preferred a Special Leave Petition against my order of 24th January 2018 dismissing the Writ Petition. The Special Leave Petition was unconditionally withdrawn on 1st May 2018. A copy of that order is at page 11.

2. Ms Kalekar's reliance on the Supreme Court decision in *Kunhayammed v State of Kerala*¹ is in apposite. The order impugned there was non-speaking. My order sought to be reviewed was anything but. The Supreme Court order in *Kunhayammed* was a dismissal, not a withdrawal; and the Kerala Act in question provided for a statutory review, which is not so here. The submission that the Advocates and parties can continually keep filing Petitions and withdrawing them and filing fresh Petitions in this fashion does not commend itself.

3. In any event, the Affidavit in Support of the Notice of Motion does not give any reason for the delay other than the filing of the Special Leave Petition, the very one that was allowed to be unconditionally withdrawn.

4. The Notice of Motion is dismissed. No costs. The delay is not condoned.

5. Consequently, the Review Petition also stands dismissed. No costs.

(G. S. PATEL, J)

1 (2000) 6 SCC 359.