

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,**  
**BENCH AT AURANGABAD.**

27. CIVIL APPLICATION NO. 4973 OF 2019  
IN RC/3465/2007

SATISH BABASAHEB THOSAR AND ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

Mr. C.V. Thombre, Advocate for applicant.  
Mr. B.V. Virdhe, Asstt. Govt. Pleader for respondents

**CORAM : V.L. ACHLIYA, J.**

**DATE : 15<sup>th</sup> April, 2019**

**PER COURT :**

1. This application is filed seeking condonation of 4123 days' delay in filing review petition.
2. Heard learned Counsel for the applicants and the learned Assistant Government Pleader for the respondents No.1 and 2.
3. In brief it is contention of the learned Counsel for applicants that the delay caused in filing application seeking review of the order is not deliberate but occurred for the reasons set out in the application. It is submitted that by order dated 16<sup>th</sup> October

2007 passed in the matter, this Court (Coram : Mr. P.V. Kakade, J.) pleased to reject the application for condonation of delay caused in filing appeal. It is contention of learned Counsel that the Counsel representing the applicants has not informed about the order dated 16<sup>th</sup> October 2007 passed in the matter and the applicants were all the while under impression that the appeal is pending before the Court. On 31<sup>st</sup> January 2019 applicants came to know about the order dated 16<sup>th</sup> October 2007 passed in the matter and after seeking legal advice filed this application seeking review of order dated 16<sup>th</sup> Oct. 2007 alongwith application seeking condonation of delay caused in filing the review application.

4. On due consideration of the submissions advanced, I am of the view that no case is made out for condonation of 4123 days' delay caused in filing the review application. On the face of the record, there is absolutely no sufficient cause has been shown to condone delay of 4123 days in filing the review application. Apart from this, there is no merit in the case of the applicants. Perusal of the order dated 16<sup>th</sup> October 2007 passed in Civil Application No. 11604/2005 spells out that the reasoned order has been passed in the matter refusing to condone delay for the reason no sufficient cause assigned to condone the delay. Prima-facie, there is no case made out on the face of the record to call for review of the order. In

that view, I am not inclined to condone inordinate delay of 4123 days caused in filing application seeking review. Accordingly the application is rejected.

**( V.L. ACHLIYA )**  
**JUDGE**

*Madkar*