Sequeira

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 432 OF 2018.
IN
REVIEW PETITION (St.) No. 20590 of 2018
in
SECOND APPEAL NO. 374 OF 2016

Maryambi Ahamad Haju
(deceased)
Through her legal heirs
Fatimabi Mahamad Wadekar
(deceased) through her legal heirs
2a. Sahida Safi Naik and others .. Applicants /Appellants
Vs
Anant Mahadev Surve and others .. Respondents

Mr.Sumit Kale i/b Mr.Uday P.Warunjikar, for Appellants.
Mr.Sanskar Marathe, for Respondent Nos.1, 3 and 4.

CORAM : N.M.JAMDAR, J.
(In chamber at 2.35 p.m.)

Date : 7 June, 2019.

P.C. :

Heard the learned counsel.

2. On the application seeking condonation of delay of 2 years and 36 days, the learned counsel for Respondents relies on the decision of the learned Single Judge of this Court in the case of *Sudha Hari Pophale and others Vs. Oriental Insurance Company Ltd. And others - 2015 (4) Mh.L.J.,* to contend that the delay is inordinate and the Special Leave Petition filed by Appellants against the order under Review was already dismissed by the Supreme Court, on 22 August 2016 itself.

3. Apart from this aspect of delay which is against the Applicants, I have heard the parties on merits of the Review Petition as well. The grounds for review have been set out in the Review Petition. The main ground is regarding claim of tenancy of the Appellants and of jurisdiction of the Court. This point was squarely dealt with in the order under Review dated 3 May 2016 and it was held that Appellants had not produced any document that was in support of the claim. The Review is nothing but an attempt at rehearing by change of advocates. Therefore, even if delay is condoned, Review Petition has no merit. In the circumstances, the proceedings are disposed of.

N.M.JAMDAR, J.