

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 36 OF 2017
IN
REVIEW PETITION (ST) NO. 2535 OF 2017
IN
CIVIL REVISION APPLICATION NO. 782 OF 2014

Mrs. Sarojini Shetti .. Applicant
vs.
Mrs. Sudha wd/o Mohan S. Vernekar
(deceased) and ors. .. Respondents.

Mr. Jaydeep J. Thakkar for the Applicant.
Mr. Pramod Patil i/b Mr. Rahul C. Mestry for Respondent
Nos. 1 & 2.

CORAM : R. G. KETKAR, J.
DATE : 18th JULY 2019.

P.C. :-

1] Heard Mr. Jaydeep J. Thakkar, learned counsel for the applicant and Mr. Pramod Patil, learned counsel for respondent Nos. 1 and 2.

2] This is an application for condonation of delay of 151 days caused for filing review petition.

3] By order dated 19th July 2016 Civil Revision Application No. 782 of 2014 filed by the applicant was dismissed by this Court. Aggrieved by this decision, the applicant has preferred the Special Leave Petition before the Apex Court. By order

dated 19th September 2016, the Apex Court dismissed the Special Leave Petition and gave time upto January 2017 for vacating the suit premises, subject to filing of usual undertaking within four weeks.

4] In pursuance thereof, possession of the premises is handed over to the respondents. Mr. Thakkar submitted that for the reasons recored in the application, the delay of 151 days may be condoned.

5] On the other hand, Mr. Patil submitted that the grounds raised in the application for condonation of delay and in the petition for review are identical. The applicant is fully aware of the alleged subsequent events. In fact, there are no subsequent events. Therefore, he strongly opposed the application for condonation of delay.

6] Without going into the issue as regards whether the grounds set out in the application for condonation of delay and the review petition are identical, having regard to the fact that the delay is of 151 days, in view of decision in **State of**

Nagaland vs. Lipok AO - AIR 2005 SC 2191, the delay of 151 days caused for filing review petition is condoned. All contentions of the respondents as regards the review petition does not make out any case of subsequent events are expressly kept open.

7] Civil Application is allowed in the above terms.

(R. G. KETKAR, J.)