

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (ST.) NO.7347 OF 2019
IN
REVIEW PETITION (ST.) NO.7346 OF 2019
IN
WRIT PETITION NO.7910 OF 2013

Shriram Vasant Naik	...Applicant
VS.	
Chandradev Dakshini Singh	...Respondent

Mr. Sameer Kolge, for the Applicant
Mr. C.D. Singh, for the Respondent.

CORAM : M. S. SONAK, J.

DATE : JUNE 26, 2019
(IN CHAMBER)

P.C.:

1. Heard Mr. Kolge, learned counsel for the Applicant.
2. This Civil Application seeks condonation of delay of 1190 days in instituting the review against the order dated 1st October, 2015 made in Writ Petition No. 7910 of 2013.
3. The order dated 1st October, 2015 for which the review had been applied for had refused to interfere with the order made by the Division Bench of the Small Causes Court refusing to condone the delay of over 8 years in instituting the Appeal against *ex-parte* decree dated 7th April, 2004 in R.A.E & R Suit No. 541 of 1991.
4. The only explanation for delay is set out in paragraph 4 of

the Civil Application which reads as follows:

The Petition states that meanwhile the Petitioner was not feeling well in the month of December, 2012. The doctor advised him to take bed rest. Hereto annexed and marked Exh. B is the copy of the Medical Certificate given by Doctor. Therefore, in the month of December, the Petitioner could not approach Advocate to file proceedings before this Court. The Petitioner states that his undergone with the treatment of doctor in the month of January also, however he used to attend his job. The Petitioner states that Petitioner is also in financial problems therefore in the month first week of Feb. 2012, he approached his advocate and as per instruction of Advocate, the review petition is ready to file. The Petitioner states that occupant of the plot of land in which suit premises is situated, received notice of Deputy Collector dated 18/01/2019 whereby deputy collector placed matter for hearing to declare the plot of land slum area. Hereto annexed and marked Exh.C is the copy of the notice dated 18/01/2019.

5. The medical certificate, upon perusal of the averments, in the application relates to the year 2012. However, Mr. Kolge points out that this relates to year 2018. The medical certificate, at the highest explains the period between 6th December, 2018 to 20th December, 2018. The order for which the review is applied for is of dated 1st October, 2015. The Review Petition filed in March, 2019 and there is absolutely no explanation as to what prevented the Applicant to file the Review Petition between November, 2015 and December, 2018 which is well over period

of three years approximately. There is really no sufficient cause shown to explain inordinate delay of 1190 days in instituting the Review Petition. Even otherwise, the review is applied for on the basis of some notice from the Slum Rehabilitation Authority.

6. The issue before this Court whilst making the order dated 1st October, 2015 was only whether the Division Bench of the Small Causes Court was justified to condone the delay of over 8 years in instituting the Appeal against the decree dated 7th April, 2004. No grounds have been urged to point out that as to why the order dated 21st January, 2013 was incorrect or that the order dated 1st October, 2015 upholding the refusal on the part of Division Bench to condone the delay is incorrect. In any case, there is no explanation whatsoever in respect of the inordinate delay of 1190 days in instituting the Review Petition.

7. Accordingly, Civil Application is dismissed.

8. Consequently, the Review Petition does not survive and the same is also disposed of.

(M. S. SONAK, J.)