

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.182 OF 2019
IN
REVIEW PETITION (ST.) NO.9839 OF 2019
IN
CIVIL REVISION APPLICATION NO.623 OF 2018

Sandesh Prakash Jadhav ...Applicant
vs.
Jyoti Sandesh Jadhav ...Respondent

Mr. Sharad Bhosale, for the Applicant
None for the Respondent.

CORAM : M. S. SONAK, J.

DATE : JUNE 18, 2019
(IN CHAMBER)

P.C.:

. Heard Mr. Bhosale, learned counsel for the Applicant as well as Mr. Sandesh Jadhav, the applicant himself.

2. The Civil Application seeks condonation of delay of 97 days in instituting the Review Petition. Normally, this Court is quite liberal when it comes to condonation of delay particularly when sufficient cause is shown. However, since this is an application seeking condonation of delay in instituting a Review Petition, the learned counsel for the Applicant was requested to address this Court on the merits of the Review Petition as well.

3. Upon hearing the learned counsel for the Applicant, it *prima facie* appears that the very inception of the Review Petition amounts to the abuse of process of law. The Review Petition has been instituted by engaging a different advocate. Secondly, the allegations, though in polite language, are sought to be made against the previous advocate, the contention is that the previous advocate failed to bring to the notice of this Court the fact that the evidence of the Applicant was ordered to be closed by the learned trial Judge and therefore the liberty granted in the order which is sought to be reviewed to take out application for issuing of fresh summons to some witnesses in the U.S.A as also some other witnesses is a futile.

4. In ***Tamil Nadu Electricity Board and anr. vs. N. Raju Reddiar and anr. - (1997) 9 SCC 736***, the Apex Court has deprecated the practice of instituting review petitions with change of counsel. The Apex Court has observed that this is not conducive to healthy practice of the Bar which has the responsibility to maintain the salutary practice of the profession. The Apex Court had held that this practice of changing the Advocates and filing repeated petitions should be deprecated with a heavy hand for

purity of administration of law and salutary and healthy practice. In that case, the review petition was dismissed with exemplary costs of Rs.20,000/- by observing that the same constitute an abuse of process of Court in derogation of healthy practice.

5. Apart from the aforesaid reason, even the ground urged in support of the review petition constitutes no ground whatsoever for exercise of review jurisdiction. The order itself records that the matter was fully argued. In fact, when this Court was about to dismiss the Review Application, liberty was applied for by the learned counsel of the Applicant to withdraw the Civil Revision Application with liberty to file appropriate application before the trial Court. There is also no dispute from the submission made today that the Applicant has already taken out proceeding for setting aside the order closing his evidence. Therefore, if the order closing his evidence is ultimately set aside, this Applicant can always exercise liberty granted by the order dated 22nd November, 2018.

6. This is a matrimonial matter and therefore the Applicant is expected to pursue the same with greater diligence. The Applicant

cannot simply blame his earlier advocate by making allegations. Since, there is absolutely no merit in the Review Petition itself there is no point for condonation of delay in instituting this Review Petition. Even if the application for condonation was to be allowed on merits, this Review Petition deserves dismissal with cost.

7. Accordingly, the Civil Application is dismissed with cost of Rs. 1,000/- payable to the Respondent within a period of four weeks from today. In case, the amount of cost are not paid, the learned trial Judge to take steps for recovery of the said cost.

8. The Applicant is directed to place the authenticated copy of this order before the learned trial Court on or before the next date.

9. All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)