

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

*CIVIL APPLICATION NO. 23 OF 2017
IN
REVIEW PETITION NO. 1 OF 2017
IN
SECOND APPEAL NO. 742 OF 2014*

Sandeep Raman Dalvi

... Applicant / Petitioner.

V/s.

Ketan Kishor Nirurkar

... Respondent.

None for the Applicant / Petitioner.

None for the Respondent.

CORAM : N.M. Jamdar, J.

Date : 25 July, 2019.

P.C. :-

The Civil Application is taken out for condoning delay in filing the review. Considering the fact that the delay is in respect of a review, notwithstanding the fact that there is a delay in the Application, I have considered the merits of the review to find out whether any purpose will be served by issuing notice in the application. I am sitting single today specifically to take up review matters. Board has been notified. None appears for the Petitioner. Grounds for review have been set out in the Petition itself, which I have gone through.

2. The Review Petition is filed in respect of the order passed in Second Appeal dismissing the challenge to the concurrent judgment and orders. The question that had arisen for consideration of the Courts was in respect of specific performance of contract. While dismissing the Second Appeal, the Court had concluded that the readiness and willingness, which is a question of fact, was concurrently held against the Appellant and there was no perversity in the said findings. The grounds of review are nothing but an attempt at re-hearing. No grounds to invoke review jurisdiction are made out. In the circumstances, the Civil Application and Review Petition are rejected.

(N.M. Jamdar, J.)