

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

CIVIL APPLICATION NO.493 OF 2018

IN

REVIEW PETITION (ST) NO.26640 OF 2018

IN

WRIT PETITION NO.3228 OF 2017

...

The State of Maharashtra ...Applicant

v/s.

Krushna Tukaram Galande and anr. ...Respondents

AND

CIVIL APPLICATION NO.496 OF 2018

IN

REVIEW PETITION (ST) NO.26642 OF 2018

IN

WRIT PETITION NO.3210 OF 2017

The State of Maharashtra ...Applicant

v/s.

Lunesh Ishwara Virkar and anr. ...Respondents

...

Mrs.M.s.Srivastava, AGP for the Applicant.

Mr.N.V.Bandiadekar for the Respondent No.1.

...

**CORAM : A.A. SAYED &  
PRAKASH D. NAIK, JJ.**

**DATED : 06 MARCH 2019  
(In Chamber at 2.45 p.m.)**

**P.C.:**

The Civil Applications are filed by the Applicant-State of Maharashtra for condonation of delay of 537 days in filing the Review Petitions.

2. In paras 5 to 8 of the Civil Applications, it is averred as follows:

“5. The Applicants state that the Applicant No.2 made

extensive correspondence with Applicant No.1 i.e. the School Education and Sports Department and also made correspondence with the Department of Law and Judiciary for seeking opinion to file appeal before the Hon'ble Apex Court. However, it took time to get opinion from the Applicant No.1 and the department from Law and Judiciary. The Applicants state that as soon as the Applicant No.2 get sanction from Applicant No.1 and department of Law and Judiciary for filing the review petition before this Hon'ble Court the order dated 23-3-2017 in the above said writ petition, the Applicant No.2 submitted all the papers with the office of the Government Pleader (Writ Cell) for preparing and filing of the above said review petition. Therefore the AGP sought further document for preparing the draft. The Applicants state that after all the documents are collected the abovesaid petition is prepared. Therefore, all this things caused delay in filing the above petition.

6. The Applicants state that the Applicants are government bodies. The Applicants further state that before challenging any order in Appeal/Review, the Applicants have to get approval from the higher authorities for challenging any judgment/order/award in the Appellate Court. The Applicants further state that the Applicants have to take opinion from other authorities before challenging any judgment/order/award. Accordingly in the present case the Applicants have taken approval from their higher authorities for filing the abovesaid review against the judgment and order dated 8-3-2017 passed by this Hon'ble Court resulting which caused delay.

7. The Applicants state and submit that there is no deliberate and/or intentional delay in filing Review on the part of

the Applicants. The Applicants being a government body could not be able to approach this Hon'ble Court within prescribe time limit, as the Applicants have to get the approval from their higher authorities at the various stages. Hence, if there is any delay in filing the present review, same may be condoned.

8. The Applicants state that the Applicants have good case on the merits and there are chances of success in the above matter. The Applicants further state that if the delay of 537 days in filing present Review is not condoned, the Applicants will suffer a grave irreparable loss, harm and injury which cannot be compensated in terms of money, however, no such loss, harm, injury would be caused to the Respondent, if the delay is condoned. The balance of convenience is in favour of the Applicants.”

3. We find that the averments in the Civil Applications are bereft of any particulars including the dates. In our view, no sufficient cause is made out for condoning the delay of 537 days in filing the Review Petitions.

4. The Civil Applications are accordingly dismissed. Consequently, Review Petitions shall also stand disposed of.

**(PRAKASH D. NAIK,J.)**

**(A.A.SAYED, J.)**