

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

***NOTICE OF MOTION NO. 513 OF 2017
IN
REVIEW PETITION (LODG.) NO. 24 OF 2016
IN
WRIT PETITION NO. 858 OF 2015***

Ashish Arunkumar Kejriwal & Ors. ... Applicants
(Orig. Petitioners)

In the matter between

Ashish Arunkumar Kejriwal & Ors. ... Petitioners.

V/s.

Vijay Dattaram Zore and Ors. ... Respondents.

None for the Petitioners.

None for the Respondents.

CORAM : N.M. Jamdar, J.

DATE : 26 July, 2019.

P.C. :-

This Notice of Motion is taken out for condonation of delay of 44 days in filing the Review Petition. The Review Petition is filed in respect of order passed in Writ Petition No. 858 of 2015.

2. The Petitioners had challenged the order dated 6 October 2015 in the Apex Court. The Apex Court disposed of the Special Leave Petition on 22 February 2016. While disposing of the Appeal, the Supreme Court observed that some of the issues raised by the Petitioners require consideration by the High Court and further observed that in the event of application for review is filed, the High Court would explore possibility of settlement. After the order was passed on 22 February 2016, the review is filed on 19 September 2017. The reason given is that the Petitioners are unemployed and had to take legal advise. It was on the Petitioners' Appeal in the Supreme Court that the order was passed, thus prima-facie this reason is not believable.

3. After the review was filed it appeared before the Prothonotary and Senior Master several occasions because the office objections were not removed. Ultimately, it was kept for dismissal and at that time by order dated 22 August 2017 the objections were sought to be removed.

4. The matter is notified on board today. None appears. I am sitting single today to take up such matters. By the order under review the proceedings were remanded to the Industrial Court. The Supreme Court had not set aside the order nor granted any stay to the proceedings before the Industrial Court. Since the Petitioners

are not represented, it is not clear whether the proceedings before the Industrial Court have began and/or completed.

5. Considering the above position, where, prima-facie, the delay is entirely unexplained and that the Review Petitioners are not diligent in prosecuting the Petition, I would have dismissed the Notice of Motion on merits. However, the Petitioners are not present, the Notice of Motion and the Review Petition are dismissed for non-prosecution.

6. Considering the fact that the Apex Court has observed that possibility of settlement should be explored, in case the Petitioners seek restoration, they will give notice to all the Respondents and file affidavit of service, and then move the Court for restoration.

(N.M. Jamdar, J.)