

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION NO.208 OF 2019 (REVIEW)

IN

WRIT PETITION NO.6698 OF 2018(D)

(AMIT LOCKCHANDJI DANDALE...VS.. SUDHIR BABURAOJI KALYANKAR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.I.Khan, Advocate for Petitioner.

CORAM : Z.A.HAQ, J.

DATED : FEBRUARY 21, 2019.

Heard.

By this application, the petitioner (original defendant) seeks review of the order passed by this Court on 19th December 2018, by which the writ petition which was filed by the defendants was dismissed. The contention of the petitioner is that the written statement could not be filed because of the mistake of the lawyer engaged by the petitioner. It is submitted that the petitioner has purchased the suit property for Rs.26,00,000/- and if the petitioner is deprived of his right to defend the matter, he will suffer substantial and irreparable loss.

The defendant No.4 failed to file written statement in spite of grant of several opportunities and therefore, an order was passed by the trial Court on 15th January 2015 directing that the civil suit to proceed without his written statement. The defendant No.4 had filed an application on 2nd July 2018 praying that the order dated 15th January 2015 be set aside and he be permitted to place the

written statement on record. This Court found that the defendant No.4 had not explained the inordinate delay of more than 3 ½ years in filing the above application.

After going through the order of which the review is sought, I find that the grounds raised in the review application are same as were raised in the writ petition.

The petitioner has not been able to point out any error apparent on the face of record which necessitates review of the order.

The Civil Application is **dismissed**. No costs.

JUDGE

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