

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 CIVIL APPLICATION NO.8682 OF 2018
IN RAST/8860/2018 WITH RAST/8860/2018

DATTU HARIBA JADHAV LRS PANDURANG AND OTHERS
VERSUS
TRIMBAK GENA DANDNAIK LRS VINOD AND OTHERS

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Mr.P.K. Deshmukh, Advocate for applicants.

Mr.S.S. Wakure, Advocate for respondent nos.1 to 3.

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CORAM: V.L. ACHLIYA,J.

DATE : 11.02.2020

ORAL ORDER:

The applicant-appellant has moved this application seeking condonation of 98 days delay in filing the review application for the reasons set out in detail in the application.

2. Heard learned counsel for the applicants and the respondents.

3. The applicants have pleaded the cause for condonation of delay as under :-

"(2) That, there is delay of 98 days for filing review petition. However, the delay is not intentional one because the applicants have no

knowledge about the legal proceedings, so they approached some advocates for getting proper advise for filing review petition for which the period is consumed. However, some advocates had given the advise to approach the Hon'ble Supreme Court Delhi, but financially, it was not possible to the applicants and they were seeking the legal remedy for filing proceeding again in this Hon'ble High Court. The applicants approached to the present advocate and handed over the documents before 15 days and the present advocate after going through the documents and judgments and authorities prepared the review petition today. Hence, the delay of 98 days may kindly be condoned in the interest of justice. The present civil application may kindly be allowed."

4. On due consideration of submissions advanced in the light of unchallenged and uncontroverted pleadings made in the application assigning the cause for condonation of delay, I am of the view, the

delay deserves to be condoned. No prejudice would cause to other side, if the delay is condoned. I am therefore inclined to allow the application. Accordingly, the application is allowed in terms of prayer clause "B". Delay condoned. Review application be registered subject to removal of office objections.

5. Civil Application is disposed of in above terms.

6. After removal of office objections, list Review Application for hearing on 2nd March, 2020.

7. Mr. S.S. Wakure, learned counsel accepts the notice for respondent nos.1 to 3 in review application.

8. Liberty to file reply before due date.

[V.L. ACHLIYA]
JUDGE

SGA