

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

940 CIVIL APPLICATION NO.13074 OF 2019
IN RAST/27588/2019

SHIVANAND KALLYANAPPA SOLSHE
VERSUS
PRASHANT SHIVAJI SURVASE AND OTHERS

...
Advocate for Applicants : Ms. Chincholkar Surekha G.
Advocate for Respondents No.1 to 5: Mr. Deshmukh Prashant K.
...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 25-02-2020.

ORAL ORDER :

1. Heard both sides.
2. It appears that, the present applicant had approached Hon'ble Apex Court in SLP © No.12966 of 2019 challenging the order passed by this Court in Second Appeal No.171 of 2019, dated 13-03-2019. Further it appears that, before the Hon'ble Supreme Court the learned advocate appearing for the petitioner sought permission to withdraw the Special Leave petition to file the review before this Court and, accordingly, the permission was granted.
3. It is stated that, there is delay of 141 days. Though the delay is stated to be occurred due to time consumed before the Apex Court,

yet strictly speaking the withdrawal of the special leave petition is voluntary by the present applicant and may not be a strict ground to be considered. However, taking into consideration the liberal approach that some legal forum was tried by the applicant, the delay deserves to be condoned. However, the inconvenience that will be caused to the respondents, is required to be compensated in terms of money.

4. Hence, the application stands allowed. Delay stands condoned subjected to deposit of cost of Rs.10,000/- (Rs. Ten Thousand) per respondent, within a period of one month from today. After the deposit of the amount, it be given to respective respondents. Deposit of cost is condition precedent for registration of review petition.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-