

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 80 OF 2019

IN

WRIT PETITION NO.8491 OF 2017

WITH

WRIT PETITION NO.8491 OF 2017

...

Sangli Miraj and Kupwad City Municipal
Corporation through its Commissioner...Review
Petitioner

v/s.

Indutai Krishna Jadhav & Ors.

... Respondents

...

Mr. Pramod Patil a/w Mr.Shivaji Masal for the Review Petitioner/Respondent
No.5 in Writ Petition.

Mr.S.B.Kalel, AGP for the State.

Mr.C.G.Patil a/w Mr.M.G.Bagkar for the Respondents/Original Petitioners.

...

CORAM : A.A. SAYED &**N.J.JAMADAR, JJ.****DATED : 15 JANUARY 2020****(IN CHAMBER AT 2.45 P.M.)****P.C.:**

It is an admitted position that when the order under review dated 25 March 2019 (as amended by order dated 29 March 2019) was passed, the Advocate for the Review Petitioner- Corporation was not present. The Review Petition is filed inter alia on the ground that though the Advocate was engaged by the Respondent-Corporation and Vakalatnama was filed, the Advocate had not appeared before the Court for the reasons best known to him and that material facts were not pointed out to the Court.

2. In our view, for the mistake of the Advocate, the Review Petitioner-Corporation cannot be faulted and ought not to suffer. We are satisfied that the Review Petitioner-Corporation ought to be granted an opportunity to present its case before any order of deposit is required to be made. We, therefore, recall the order dated 25 March 2019 (as amended by order dated 29 March 2019). The Review Petition is allowed in the aforesaid terms and to stand disposed of. Needless to say that we have not gone into merits of the matter.

3. Place the Writ Petition `for admission' on 27 January 2020.

(N.J.JAMADAR,J.)

(A.A.SAYED, J.)