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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.2123 OF 2020
IN
REVIEW APPLICATION ST.NO.148 OF 2020
IN
SECOND APPEAL NO.739 OF 2017

Sonaji s/o Daji Dhole (Deceased)
Through L.Rs. -

1. Tanabai w/o Sonaji Dhole
and Ors. = **APPLICANT/s**
(Orig.Plaintiff)

VERSUS

Murlidhar s/o Yeshwant Kulkarni = **RESPONDENT**
(Orig.Defendant)

Mr.AM Gholap, Advocate for Applicant/s;

Mr.NR Thorat, Advocate for Respondent(Absent).

CORAM : SMT.VIBHA KANKANWADI,J.

RESERVED ON : 13/10/2021

PRONOUNCED ON : 07/12/2021

PER COURT :-

1. Present application has been filed for
condoning delay of 112 days caused in filing Review
Application.

2. Heard learned Advocate for applicants.

3. The applicants are original plaintiffs-

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appellants in Second Appeal No.739/2017, which came to be dismissed, on the ground that no substantial question of law are arising in this case. The said order was passed by this Court on 13.8.2019. The applicants contend that they had approached the Hon'ble Supreme Court, challenging the order passed by this Court by filing Special Leave Petition, however, that petition was withdrawn with permission of the Court to enable them to file Review Application. That order was passed by the Hon'ble Apex Court on 16.12.2019. As the applicants were prosecuting the proceeding before the Hon'ble Supreme Court bonafide and diligently, there is delay which is unintentional and, therefore, it is said that the delay be condoned.

4. Since learned Advocate for the respondent is absent, but it is seen from the record that the applicants, who were prosecuting their remedy before the Hon'ble Supreme Court and then after getting the liberty, they want to file Review Petition, there is a good ground for condoning the delay. In view of the fact that the learned Advocate for the respondent is absent on the day,

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submissions were heard for the applicants, it would be appropriate to place the matter for submissions on Review Petition, by issuing notice of Review Application to the respondent. Hence, following order, -

ORDER

- i. The Civil Application No.2123/2020 for condonation of delay stands allowed and disposed of;
- ii. Registry to verify and register the Review Application.
- iii. Issue notice to the respondent, returnable on 7th February, 2022.

(SMT. VIBHA KANKANWADI)
JUDGE

BDV