

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**901 CIVIL APPLICATION NO.3521 OF 2019
IN
RAST/6604/2019**

**SHASHIKALA DHONDIRAM BANDAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Applicant:

Mr. Sandeep Kulkarni h/f. Mr. Sujeet D. Joshi
AGP for Respondents No. 1&3: Mrs. M. A. Deshpande
Advocate for Respondents No. 2&4 : Mr. V. S. Mote
Advocate for Respondent No. 5: Mr. Ashok R. Tapse

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**CORAM: S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE: 01st OCTOBER, 2021

PER COURT:

1. Heard the learned Advocate for the applicant.
2. The learned Advocate for non-applicants no. 2 and 4 and learned Advocate for non-applicant no. 5 oppose the application on the ground that delay has not been satisfactorily explained. The applicant had never filed an application for getting the documents. It was a third person who had filed the application but the applicant has

conveyed that it is the applicant who has filed the application.

3. The ground mentioned in the application is that the applicant could lay the hands on the documents subsequently and after the documents were procured after the dismissal of the petition the present Review Application is filed. According to the applicant, the applicant on the basis of the documents procured subsequently could get the knowledge that the non applicant no. 5 has not worked for a period 14.02.2004 to 31.10.2006.

4. It is trite that the merits of the Review Application need not be considered while considering the application for condonation of delay. The delay of 113 days is explained i.e. the document received subsequently, though, may be on the application of the third person.

5. The applicant is not to gain by causing delay. It is trite that if, the technical consideration and cause for substantial justice

are pitted against each other the cause for substantial justice has to be subserved.

6. For the reasons stated in the civil application for condonation of delay, the civil application is allowed in terms of prayer clause "B". Delay is condoned.

7. Civil Application is disposed of.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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