

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1241 OF 2020
IN
REVIEW PETITION (ST.) NO. 13188 OF 2018
(R.C. No. 502 OF 2019)
IN
WRIT PETITION NO. 11215 OF 2017**

Ashabai Kisan Lohakare ... Applicant

Versus

The State of Maharashtra & Ors. ... Respondents

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Mr. Vivek B. Rane i/b Mr. Kalpesh V. Patil for the Applicant.

Ms. P.J. Gavhane, A.G.P. for the Respondent-State.

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**CORAM : K.K. TATED &
R.I. CHAGLA, JJ.**

DATE : 5th MARCH, 2021.

P.C. :-

1 Heard the learned Counsel for the parties.

2 By this Application, the Applicant is seeking condonation of 351 days for filing the application for setting aside the order dated 05.02.2019 in Review Petition (Stamp) No.13188 of 2018, refusing registration of the Review Petition for non-removal of office objections.

3 The learned Counsel for the Applicant submits that they preferred the Review Petition to review the order dated 26.02.2018 passed by this Court in Writ Petition No.11215 of 2017.

4 The learned Counsel for the Applicant submits that there were some minor objections raised by the office in Review Petition. He submits that for want of knowledge about the same, it remains to remove office objections immediately. He further submits that when the matter was on board before the learned Registrar on 05.02.2019, no one remained present on behalf of the Applicant hence, the Registrar passed the conditional order for removal of office objections. In support of this contention, the learned Counsel for the Applicant relies on paras 4 and 5 of the Interim Application which reads thus :

*“4 The applicant states that, the above mentioned review application was pending for hearing before this court. But there were some minor objections in the matter about some illegible pages and synopsis is not in proper format. The applicant and his advocate was unaware about the same therefore unable to remove the same and matter was listed on Registrars board. The Ld. Registrar by order dated 05.02.2019, refused the registration as applicant could not remove office objections. Hereto annexed and marked as **EXHIBIT-A** is the copy of order dtd. 05.02.2019.*

5 *The Applicant states that, the applicant and his advocate was not aware of the above mentioned order therefore could not take proper steps to challenge the above mentioned order. When applicant makes enquiry about the position of review in the month of December 2019, at that time it came in knowledge of advocate of applicant. The applicant therefore immediately filing present application for setting aside Registrars order dated 05.02.2019. The applicant being lady who is out of service and she wants to prosecute the above review on merit. Applicant is ready to remove all office objections within two weeks from the date of order of this court. Therefore the delay caused is not intentional and deliberate which needs to be condoned in the interest of justice.”*

5 The learned Counsel for the Applicant submits that in the interest of justice, this Hon’ble Court be pleased to condone the delay and matter to be heard on its own merits. He submits that the Applicant is ready and willing to remove all office objections within time.

6 It is to be noted that in the present proceeding the Review Petition was on board before the Registrar on 26.11.2018, 07.01.2019, 05.02.2019 when no one appeared on behalf of the Applicant. Not only

that the office objections also were not removed by the Applicant. The reason given by the Applicant in paras 4 and 5 of the Interim Application is only in respect of the 05.02.2019 when no one appeared on behalf of them before the learned Registrar. It shows that the Applicant is not interested to prosecute this matter seriously.

7 In view of these facts and bear reading of the paras 4 and 5 of the Application, we do not find any substance to entertain the present Interim Application.

8 Hence, Interim Application stands rejected.

9 No order as to costs.

(R.I. CHAGLA, J.)

(K.K. TATED, J.)

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signed by
Waishali S.
Waghmare
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