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

**CIVIL APPLICATION NO.345 OF 2019
IN
REVIEW PETITION (ST.) NO.20960 OF 2019
IN
WRIT PETITION NO.8212 OF 2017**

The State of Maharashtra and Anr. Petitioners

Vs.

Shri Sukhdeo Sadashio Naik Respondent

Mr.K.S.Thorat, A.G.P. for the State / Petitioner in Review
Petition

Ms.Leena Patil for the Respondent no.1

**CORAM: K.K.TATED &
PRITHVIRAJ K. CHAVAN, JJ.**

DATED : AUGUST 18, 2021

P.C.

. Heard.

2. By this Civil Application, Applicant State of Maharashtra is seeking condonation of 242 days delay in filing the Review Petition to review the order dated 01.10.2018 passed by this court in Writ Petition No.8212 of 2017.

3. The learned counsel for the Applicant submits that to

file Review Petition they have to take instruction from the several departments. He submits that the same is explained by the Applicant in paragraph 2 of the Civil Application which reads thus:

“2. The Petitioners state that the order dated 01/10/2018 passed the Hon'ble High Court communicated to the Petitioners by the office of the Government Pleader by letter dated 19/10/2018, which was received by the Petitioner No.2 on 02/11/2018. The Petitioner No.2 accordingly communicated the said order to the Petitioner No.1. Therefore by letter 11/02/2019 an opinion of Government Pleader was sought for filing Review Petition. By letter dated 11/03/2019 issued by the Petitioner No.1 to the Petitioner No.2, it was informed to the Petitioner No.2 that the Government Pleader has informed to file Review Petition in the present matter. By letter another letter dated 11/03/2019 the Petitioner No. 1 requested the Government Pleaders' office to file Review Petition in the present matter and accordingly instructed the Petitioner No.2 to assist and provide necessary documents and information for filing the Review Petition. The Petitioner No.2 consulted and discussed with the concerned AGP for filing of Review Petition, and prepared the draft of Review Petition and informed the same to the Government Pleader's office by letter dated 06/05/2019. Then instruction is completed in the 2nd week of July, 2019. Thereafter, the draft has been finalized and filed the Review Petition before this Hon'ble Court. There is no deliberate for filing the present Review Petition. However, considering the facts stated herein above and there is delay of 242 days in filing Review Petition same may be condoned in the interest of justice.”

4. The learned A.G.P. for the Applicant submits that they have good chance of success in the present matter. He submits that in the interest of Justice, this Hon'ble court be pleased to condone the delay in filing Review Petition and matter be heard on its own merits. If delay is not condoned, irreparable loss will be caused to them.

5. On the other hand, the learned counsel for the Respondent vehemently opposed the present Applicant. She submits that Applicant failed to disclose the reason for 242 days delay in filing Review Petition. Hence, same is required to be rejected with costs.

6. Heard both the sides at length.

7. Bare reading of paragraph 2 of the Civil Application shows that Applicant has to take instruction from several departments and take their approval. Hence, there is a delay of 242 days in filing the present Review Petition.

8. Considering the submissions made by the learned A.G.P. for the Applicant and the averments made in paragraph 2 of the Civil Application, we are satisfied that the Applicant has made out a case for allowing the Civil Application. Hence, the following order is passed:

a. Delay of 242 days in filing the Review Petition to

review the order dated 01.10.2018 in Writ Petition No.8212 of 2017 is condoned.

b. Registry is directed to place Review Petition for admission on 03.09.2021.

c. Civil Application stands disposed of accordingly.

d. No order as to costs.

(PRITHVIRAJ K. CHAVAN, J.)

(K.K.TATED, J.)