

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (O) NO. 373 OF 2021

IN

MISC. CIVIL APPLICATION (St.) NO. 1824 OF 2021 (For Review)

IN

WRIT PETITION NO. 3880 OF 2019

Joharmal Trading Company

vs.

The Collector and others

Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. M. Vaishnav, Advocate for petitioner.

CORAM : MANISH PITALE J.

DATED : 23/06/2021

CIVIL APPLICATION (O) NO. 373 OF 2021

This is an application seeking condonation of delay in filing the review petition. Although the delay is of 558 days, it is submitted that when the instructions were received for filing the review application, the nation wide lock-down due to COVID-19 crisis had been imposed.

2. For the reasons stated in the application, the same is allowed and delay is condoned.

MISC. CIVIL APPLICATION (St.) NO. 1824 OF 2021

This is an application for review filed on behalf of the applicant (original petitioner) seeking review of order dated 07/06/2019, passed by this Court, whereby the writ petition filed by the applicant was dismissed.

3. By the dismissal of the said writ petition order dated 10/03/2017 passed by the Civil Judge, Senior Division, Link Court Mehkar was confirmed. The said order was passed on an application moved by the applicant for condonation of delay in moving an application for restoration of a suit filed by the applicant, which had been dismissed-in-default.

4. It is submitted in the review application that when the writ petition was dismissed on 07/06/2019, perhaps this Court had gathered an impression that a pursis placed on record on behalf of the applicant was not properly worded and in that regard the applicant is tendering an unconditional apology. It is submitted that the applicant is ready to deposit amount of cost that this Court may impose for considering the present review application, so that the grievance sought to be agitated by the applicant in his suit can be considered on merits by the Court below.

5. The admitted facts in the present case demonstrate that the applicant before this Court has not

been diligent in pursuing its remedies. The record shows that the suit was dismissed-in-default on 16/03/2012, and the application for restoration of the suit was moved after the delay of about two years. The application for condonation of delay was rejected by the Court below by a well reasoned detailed order dated 10/03/2017. By the order dated 07/06/2019, this Court dismissed the writ petition of the applicant after considering the contentions on merits in detail. It is relevant that even the writ petition filed by the applicant against order dated 10/03/2017, passed by the Court below, itself was dismissed-in-default and had to be restored before this Court. It is after restoration that the petition was registered as Writ Petition No.3880 of 2019.

6. Considering the aforesaid fact, this Court is not inclined to exercise review jurisdiction, particularly when there is no error apparent on the face of record demonstrated by the review applicant. Merely because, the applicant submits that he is ready to deposit costs for condonation of delay, the present review application cannot be granted.

7. In view of the above, the application is dismissed.

JUDGE