

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

**906 CIVIL APPLICATION NO.7085 OF 2019
IN RAST/16846/2019 WITH CA/7084/2019 IN RAST/
16849/2019**

**THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
PANDHARI MADHAVRAO YEMALWAD AND ANOTHER**

Mr. P. S. Patil, AGP for the applicants

Mr. G. J. Karne, Advocate for respondent No. 1.

**CORAM : RAVINDRA V. GHUGE &
S. G. DIGE, JJ.**

DATED : 19th April, 2022

PER COURT :-

1. The State has caused a delay of 387 days in filing both the review petitions.

2. Mr. Karne, the learned Advocate, in his usual style has vehemently opposed these applications. He submits that the delay is not properly explained. It is more than one year. Delay should not be condoned on grounds of sympathy. If there is no merit in the review petition, the delay need not be condoned. He relies upon the judgments delivered by the **Hon'ble Supreme Court** in **Collector, Land Acquisition, Anantnag Vs. Mst. Katiji, AIR 1987 SC 1353** and **Esha Bhattacharjee Vs. Managing Committee of**

Raghunathpur Nafar Academy, (2013) 12 SCC 649.

3. Having considered the submissions of the learned Advocates for the respective sides in the light of the principles culled out by the Hon'ble Apex Court in **Collector, Land Acquisition, Anantnag** (Supra) and **Esha Bhattacharjee** (Supra), we are of the view that the delay is neither deliberate nor inordinate. Laches or oblique motives cannot be attributed to the conduct of the state.

4. In view of the above, both the civil applications are allowed. Delay is condoned. The review petitions be registered.

5. Mr. Karne, the learned advocate causes an appearance on behalf of the respondents in the review application. By consent, list the review petitions on 2nd May, 2022 in the urgent category.

(S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)

ssp