

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

**CIVIL APPLICATION NO.9848 OF 2022
IN
REVIEW APPLICATION ST. NO.17044 OF 2022**

Pandurang S/o Deorao Devkate,
Age-51 years, Occu:Agril.,
R/o-Wanwadi, Tq-Palam,
District-Parbhani

...APPLICANT

VERSUS

- 1) Vishwanath S/o Tukaram Devkate,
Age-78 years, Occu:Agril.,
R/o-Kostwadi, U/g Sawargaon,
Tq-Loha, Dist-Nanded,
- 2) Premrao S/o Tukaram Devkate,
Age-81 years, Occu:Agril.,
R/o-Kostwadi, U/g Sawargaon,
Tq-Loha, Dist-Nanded.

...RESPONDENTS

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Mr.M.B. Karande Advocate for Applicant.
Mr.R.R. Suryawanshi Advocate for Respondent No.1 **(Absent)**.
Mr.E.P. Sawant Advocate for Respondent No.2 **(Absent)**.

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CORAM: SMT. VIBHA KANKANWADI, J.

DATE : 5th JULY, 2022

ORDER :

1. Present Application has been filed for getting the delay of

1134 days condoned in presenting Review Petition. It will not be out of place to mention here that Civil Application No.1085 of 2019 and Civil Application No.8662 of 2018 in Second Appeal No.508 of 1995 were filed by the present applicant. Said Civil Application No.1085 of 2019 was filed for condoning the delay of 1686 days in bringing the legal representatives of the sole appellant on record and setting aside the order of abatement passed by this Court on 26th November 2018. This Court, by order dated 22nd April 2019, rejected the said Application. The applicant want to get the said order reviewed. However, since there is delay of 1134 days, the applicant has filed present Application for getting the said delay condoned.

2. Heard Mr. Karande, learned Advocate for the applicant.

3. At the outset it is to be stated that the learned Advocate for the applicant has made submissions in support of the Application, however the facts are very clear. After this Court had rejected the said Civil Application No.1085 of 2019 on 22nd April 2019, the present applicant had approached the Hon'ble Supreme Court by filing Petition for Special Leave to Appeal No.4185 of 2020 and by order dated 21st May 2020 the Petition

for Special Leave to Appeal was dismissed by observing that the Hon'ble Supreme Court was not inclined to interfere with the impugned order. Thus, when the Hon'ble Supreme Court has rejected the Petition for Special Leave to Appeal and refused to interfere with the impugned order, there is no question of review of such order. In fact the earlier Application was rejected and thereby the delay caused was refused to be condoned, but then here again there is delay in approaching this Court. As aforesaid, the Hon'ble Supreme Court has rejected the Petition for Special Leave to Appeal on 21st May 2020, but the present Application has been filed on 28th June 2022. There is absolutely no reasonable ground shown for condoning the delay which has been caused after rejection of the Petition before the Hon'ble Supreme Court. Under such circumstance, the Application is devoid of any merit and deserves to be rejected.

4. The Application stands rejected.

[SMT. VIBHA KANKANWADI, J.]