

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

941 CIVIL APPLICATION NO.3773 OF 2020
IN
REVIEW APPLICATION (ST) NO.36056 OF 2019
IN
SECOND APPEAL NO. 539 OF 2019

INDUBAI MAROTI SHINDE
VERSUS
SULOCHANA CHANDRABHAN LATE AND OTHERS

.....
Advocate for Applicant : Mr. Shingare K F
.....

CORAM : BHARAT P. DESHPANDE, J.
DATED : 28th JULY 2022

PER COURT:-

1. This is an application for condonation of delay caused in filing review application against order passed on 24.9.2019 in second appeal No. 539 of 2019.
2. Heard learned counsel for the applicant. Though respondent Nos. 1 to 5 are duly served and advocate Shri Abhijit B. Kale filed Vaklatnama on behalf of respondent Nos. 1 to 4, no reply is filed till today. Learned counsel for the respondents is absent.
3. Learned counsel for the applicant pointed out that the applicant is old lady and she was not aware about the decision rendered by this court in second appeal. Only after getting knowledge of the same, she applied for certified copy by appointing another advocate

and then prepared application for condonation of delay alongwith review application. Learned counsel for the applicant submitted that applicant is having strong grounds for review of order passed by this Court in second appeal, as the observation regarding service of notice by the trial court on the present applicant is in fact erroneous. He submitted that the applicant be given an opportunity to argue the review application on merits.

4. The reasons disclosed in paragraph No.3 of present application are therefore, sufficient enough to condone the delay of 26 days as claimed therein. The civil application therefore stands allowed. The delay is condoned. Office to register review application accordingly.

5. Civil application is disposed of.

(BHARAT P. DESHPANDE, J.)

rlj/