

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION (ST) NO. 12891 OF 2018
IN
CIVIL APPLICATION NO. 80 OF 2016
IN
REVIEW PETITION NO. 24 OF 2016
IN
CIVIL WRIT PETITION NO. 5236 OF 2012**

Vasant Ramchandra Kambali ... Applicant /
Review Petitioner

Versus

Union of India and others ... Respondents

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Mr. Rajeev R. for the Applicant.

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**CORAM : NITIN JAMDAR AND
N.R. BORKAR, JJ.**

DATED : 5 AUGUST 2022

P.C. :-

The Civil Applications taken out for restoration of the Civil Application and Review Petition are allowed. Review Petition is taken up for consideration.

2. By this Review Petition, order dated 27 November 2013

passed in Writ Petition No.5236 of 2012 is sought to be reviewed. The order is passed by the Division Bench (Coram : S.C. Dharmadhikari and A.P. Bhangale, JJ.). Since both the learned Judges are not available, the matter is placed before us as a special bench.

3. We have perused the order under review and the grounds set out in the Review Petition.

4. The order under review states that the Petition is rejected on the ground that the delay and laches were not satisfactorily explained. The learned Counsel for the Petitioner contend that the finding that the delay not satisfactorily explained is incorrect. That is on the merits of the order under review and cannot be a ground to exercise the review jurisdiction. We also note that even after filing of the review it was not diligently prosecuted and was dismissed and restoration applications were filed.

5. The Review Petition and Civil Applications are accordingly disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)