

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1662 OF 2022
IN
REVIEW PETITION (ST.) NO.24667 OF 2021
IN
WRIT PETITION NO.10239 OF 2017

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Ningappa Maruti Kumbahr and Another ...Applicants/
Petitioners

vs.

Iswar Kalappa Madkari and Others ...Respondents

Mr. Shashank Shubham a/w. Mr. Ashwin Sakolkar, for the
Applicants.

Mr. Chetan Patil, for the Respondents.

CORAM : N. J. JAMADAR, J.

DATE : MARCH 21, 2022

P.C.:

. Heard the learned counsel for the applicants/petitioners.

2. The learned counsel submitted that the petitioners have invoked the review jurisdiction of this Court as the learned Civil Judge has allowed the application preferred by defendant Nos. 1 and 2 (Exhibit 63) to set aside 'no written statement order' and in the process condoned delay of five years in filing the written statement. However, the said order could not be brought to the notice of this Court when the writ petition assailing the order of rejection passed by the learned Civil Judge on application (Exhibits 83 and 84), preferred by the petitioners herein seeking to set aside

no written statement order, and permission to file written statement, was decided. This constitutes a justifiable ground for review.

3. I have perused the grounds in the review petition, the order under review, the impugned order as well as the application preferred by the petitioners/ defendant Nos. 3 and 4 before the learned Civil Judge.

4. There does not appear any error apparent on the face of the record nor any other sufficient cause is made out to review the order passed by this Court.

5. The principal ground which weighed with this Court while dismissing the petition was that the defendant Nos. 2 and 4 had not ascribed any satisfactory reason to justify the extension of time to file the written statement. The circumstance, now sought to be pressed into service on behalf of defendant Nos. 3 and 4, does not change the said fact.

6. Hence, review petition stands dismissed.

(N. J. JAMADAR, J.)