

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 4 OF 2019

IN

CIVIL REVISION APPLICATION NO. 493 OF 2018

Ramesh Joshi

..... Petitioner

VERSUS

M.V.Puttana Shetty,

Since deceased through L.Rs.

Mahesh Shetty & Ors.

..... Respondents

Mr.Abhijeet J. Kandarkar for the Applicant.

Mr.Girish R.Agrawal for the Respondent/ Original Appellant.

CORAM: R. D. DHANUKA, J.

DATE : 24TH AUGUST, 2022

P.C. :-

By this review petition, the review petitioner seeks recall of the order dated 14th September, 2018 passed by this Court thereby allowing the Civil Revision Application No. 493 of 2018 filed by the original applicant thereby setting aside the order passed by the learned District – 7, Thane condoning delay in filing an appeal against the decree dated 30th April, 2012. This Court has set aside the order passed by the District Judge on the ground that there was delay of about 4 years in filing appeal.

2. Learned counsel for the review petitioner invited my attention to the certified copy of the judgment obtained by the review petitioner on 19th March, 2016. A perusal of the certified copy of the judgment *prima facie* indicates that the application for certified copy was pending for more than 2 and ½ years. This aspect was not brought to the notice of this Court by the parties. There is an error apparent on the face of the order. Order dated 14th September, 2018 is recalled. Civil Revision Application No. 493 of 2018 is restored to file. Civil Revision Application to be heard on its own merits. No order as to costs.

[R. D. DHANUKA, J.]