

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.625 OF 2022

Sau. Lata Laxmikant Rathi

Vs.

Laxmikant Bansilalji Rathi

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. S. Alaspurkar, Advocate for petitioner.

Mrs. J. D. Dharmadhikari, Advocate for the respondent.

CORAM : AVINASH G. GHAROTE, J.

DATE : 26/07/2022

1. Mr. Alaspurkar, learned counsel for the petitioner restricts the petition in respect of the order dated 2.12.2021 by which the application for condonation of delay has been rejected.

2. The application for condonation of delay in filing the review dated 9.9.2019 seeks to condone the delay of 2 years 6 months 22 days. The order which is sought to be reviewed is dated 28.1.2019. The application amongst other reasons cites the Covid-19 Pandemic as the reason for the delay. The application for amendment of written statement was allowed on 27.1.2020 and the application for permission to file document was allowed on 6.11.2019 on the no objection by the respondent. Considering the blanket protection granted by the *Hon'ble Apex Court in Miscellaneous*

Application No.665 of 2021 in SMW(C) No.3 of 2020 during the COVID-2019 period and considering the dictum of the Hon'ble Apex Court in ***Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy and others 2013 (12) SCC 649*** the order dated 2.12.21 is hereby quashed and set aside and the delay in filing the review application is hereby condoned.

3. The petition is accordingly allowed to the aforesaid extent. No costs.

JUDGE

Sarkate