

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

CIVIL APPLICATION (CAO) NO. 315/2022 WITH
MCA ST. NO. 6559/2022

Ravikant Vitthalrao Ragit Vs.
Pundlik Gulabrao Wanjari and others

IN

CIVIL REVISION APPLICATION (CRA) NO. 116/2018

Pundlik Gulabrao Wanjari and others Vs.
Kishor Shesraoji Asare

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

Court's or Judge's orders

Shri A.A. Dhawas, Advocate for applicant
Shri M.R. Joharapurkar, Advocate for respondent in CRA No. 116/2018
Shri M.P. Kariya, Advocate for respondent Nos. 1 to 3

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 19/10/2022

This is an application for condonation of delay. It appears that the proposed intervenor in civil revision Application No.116/2018 filed review application along with application for condonation of delay. It is submitted that there is a delay of 21 days in filing application for review. The delay is caused in obtaining certified copy and collecting record from earlier Counsel. It is the contention of the applicant that reasons stated in paragraph No.5 of the review application be read along with the contents in the application for condonation of delay.

2. I have gone through the contents of review application also. The matter was settled by the parties by

way of compromise. Though the intervention application was listed, nobody came up to represent the intervenor. Moreover, the contention of intervenor is that he is the owner of the property in question as he is having some revenue records. However, these rights of the intervenor cannot be decided in the revision. He has an independent remedy available as per the provisions of law. It is submitted by intervenor that this material fact that the intervention application was listed on the day of disposal of the civil revision, is not disclosed by the applicant.

3. It is the contention of the applicant that though intervention application was listed, it was not pointed out by the revision applicant or respondent that such an application is pending. In my opinion, it is unreasonable expectation from the Counsel for revision applicant or respondent when it is his application for intervention and he was to be diligent to attend.

4. In view thereof, the applicants have not placed on record the clear facts. As stated earlier intervenor have no right to seek any declaration from this Court. He has only right to be heard. However, as matter was settled between the parties and intervenor was absent on the day of disposal, there is no case made out to condone the delay. As such, the application is dismissed.