

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 11063 OF 2023 IN
REVIEW APPLICATION ST. NO. 27206 OF 2023 IN
MISC. CIVIL APPLICATION NO. 288 OF 2021**

Prashant Subhash Narkhede

Applicant

Versus

Harshada Prashant Narkhede

Respondent

Mr. Abasaheb D. Shinde, advocate for the Applicant

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 08th September, 2023.

PC :

1 Heard learned Counsel for the applicant.

2 This application is filed for condonation of delay in
filing Review Application in respect of the order dated
27.01.2023, passed by this Court in MCA No. 288 of 2021,
whereby the said application was disposed of in terms of
compromise.

3 Further, it appears that under the Review

Application, a prayer is made to decide the aforesaid Misc. Civil Application No. 288 of 2021 on its own merits.

4 However, by the order, under review, the aforesaid Misc. Civil Application was disposed of as the parties therein, under the compromise terms before the learned Mediator, had only undertaken to withdraw all the proceedings filed by them against each other as they had decided to cohabit with each other.

5 The learned Counsel for the applicant now submits that the respondent-wife is not agree for the aforesaid compromise terms. However, the applicant needs to file fresh Misc. Civil Application if he wants to oppose the transfer which was sought by respondent-wife in the aforesaid MCA No. 288 of 2021. The Court, while disposing of the aforesaid MCA, did not decide anything on merits and under the scope of review, the Review Application itself is not maintainable merely because one of the rival parties i.e. respondent-wife failed to act as per the compromise decree.

6 Therefore, when the Review Application itself is not maintainable, there would not arise any question for condoning the delay.

7 As such, the application for condonation of delay along with Review Application St. No 27206 of 2023 stands dismissed.

(SANDIPKUMAR C. MORE)
JUDGE

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