

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11347 OF 2017

Jaysinghrao Madhavrao Chavan .. Petitioner
 Versus
 Sajakka Hanmantrao Chavan and Ors. .. Respondents

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- Mr. Yuvraj Narvankar a/w. Ms. Bhairavee Shah, Advocates for Petitioner
 - Mr. Chaitanya Chavan a/w. Mr. Vinayak Kumbhar for Respondent Nos. 22 to 28
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 20, 2023.

P.C.:

1. Mr. Narvankar, learned Advocate for Petitioner and Mr. Chavan, learned Advocate for Respondent Nos. 22 to 28.
2. The present Writ Petition takes exception to the common order dated 22.08.2017 passed below Exh.47 and 53 in R.C.A. No. 53 of 2007. Respondents have filed application below Exh.41 and 42 in R.C.A. 53 of 2007 for seeking review order passed below Ex.32 and Ex.36 before the learned Trial Court.
3. Admittedly, there was a delay of two years approximately in filing the said review application for seeking condonation of the said delay. Respondents filed application below Exh.47 and 53 wherein the learned Trial Court passed the impugned order dated 22.08.2017. Perusal of the impugned order would reveal that the learned Trial Court has opined that the reasons mentioned in both the applications

for not preferring the review application is satisfactory.

4. For this Mr. Chavan has drawn my attention to page Nos. 65 and 70 i.e. Exh. F and H to the Petition which are applications filed below Exh. 47 and 57 seeking condonation of delay. Perusal of the said pleadings reveal that in paragraph Nos. 1, 2 and 3 of the applications substantial reasons have been given for explaining the delay of two years and in that view of the matter the learned Trial Court has stated that the reasons are satisfactory. Hence no fault can be found with the order dated 22.08.2017 and the same therefore deserves to be sustained.

5. In that view of the matter, Writ Petition fails.

6. Needless to state that though the delay has been condoned by the learned Trial Court while hearing the review applications, the learned Trial Court has also on the same date passed an order stating that the said application be heard at the time of final hearing of the Appeal.

7. Needless to state that the maintainability of the Review applications filed before the Appellate Court are expressly kept open.

8. At the request of Mr. Narvankar and Mr. Chavan, the learned Trial Court is directed by this Court to dispose the R.C.S. No. 53 of 2007 within a period of 4 months from today.

9. With the above directions, Writ Petition is disposed.

[MILIND N. JADHAV, J.]