

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**REVIEW PETITION NO.1 OF 2022
IN
MISC. CIVIL APPLICATION NO.41 OF 2020**

Harakchand Khabiya ..Petitioner
Versus
Isha Santosh Khabiya & Anr. ..Respondents

Ms. Yojna Gandhi, for the Petitioner in RPW & for Respondent in MCA.
Mr. Balwant Salunkhe, for the Respondent in RPV & for Applicant in MCA.

CORAM : NITIN W. SAMBRE, J.

DATE : 2nd MARCH, 2023

PC.

1. The review of the order dated 17th August, 2021 is sought on the ground that at the time of hearing of the Misc. Civil Application moved under Section 24 of the CPC, the petitioner, who was original non-applicant to the aforesaid Misc. Civil Application was incapacitated because of ill health to attend the said proceedings.

2. The fact remains that even if the petitioner was incapacitated at the relevant time, once he was served with the Court notice, it was expected from him to engage a lawyer and seek adjournment before the Court, which he has failed to.

3. Only by way of after thought, the petitioner has approached this Court seeking review on the ground that he was for sufficient cause incapacitated to attend the proceedings. The application is moved after the lapse of substantial time which has resulted in change of Roster.

4. I do not see any reason which warrants review of the order, particularly, when no error of law could be noticed.

5. The Review Petition as such stands rejected.

[NITIN W. SAMBRE, J.]