

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.783 OF 2022
IN
REVIEW PETITION (ST.) NO.24732 OF 2019
IN
WRIT PETITION NO.522 OF 2022

Parvati Chandrakant Phalke
Versus
The Union Of India And Ors.

...Applicant/Petitioner

...Respondents

Shri. S.I.Ahmed, for Applicant/Petitioner.
Smt.Neeta V. Masurkar, for Respondents in Review Petition (St.) No.24732 of 2019.

CORAM : R.D. DHANUKA &
M.M. SATHAYE, JJ.

DATED : 2nd JANUARY, 2023

P.C. :

1. By this Interim application, the applicant seeks condonation of delay of 16 years 2 months 6 days in filing review petition. During the course of arguments, learned counsel for the Applicant states that there is a delay of about 18 years in filing review petition.
2. With the assistance of learned counsel for the parties, we have perused the averments made in the interim application. The only explanation given in the interim application for condonation of delay is that, the Applicant is poor and illiterate and widow of Sepoy Chandrakant Phalke and the Applicant was granted liberty by this Court to file interim application for condonation of delay in review petition.

3. Learned counsel for the Applicant relied upon the judgments of the Hon'ble Supreme Court in case **Union of India & Ors. Vs. Tarsem Singh** in *Civil Appeal Nos.5151-5152 of 2008* and also in case of **Union of India & Anr. Vs. Surender Singh Parmar** in *Civil Appeal No.9389 of 2014* and vehemently urged that this Court has ample power to condone delay even for a long period of 20 years.

4. Interim application is vehemently opposed by Mrs.Masurkar, learned counsel for the Respondents, on the ground that there is a gross unexplained delay in filing review petition.

5. In our view, Mrs.Masurkar, learned counsel for the Respondents is right in her submission that delay of 18 years or 16 years is not explained by the Applicant in the interim application.

6. None of the judgments relied upon by the learned counsel for the Applicant are even remotely applicable to the facts of this case. Interim application for condonation of delay is accordingly dismissed. Consequently, review petition is filed by the Applicant is also dismissed.

(M.M. SATHAYE, J.)

(R.D. DHANUKA, J.)