

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO. 264 OF 2023
IN
REVIEW PETITION (L) NO. 1778 OF 2023
IN
INTERIM APPLICATION NO. 626 OF 2021
IN
NOTICE OF MOTION NO. 616 OF 2014
IN
SUIT NO. 818 OF 1983**

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Ms. Roslyn Wilfred Gonsalves & anr.	...Applicants
In the matter between	
Ms. Roslyn Wilfred Gonsalves & anr.	...Petitioners
Versus	
Ajay Gokuldas Shah & ors.	...Respondents

Mr. K. T. Kukreja, i/b Sharath Pai, a/w Chandni Sabnani, fr
the Applicant.

Mr. S. A. Jabbar, i/b J. R. Vyas, for Respondent Nos.20 and
21.

Mr. Meit Ampat, i/b Little & Co., for the Ori. Plaintiff.

CORAM: N. J. JAMADAR, J.

DATED : 2nd FEBRUARY, 2023

PC:-

1. Heard the learned counsel for the parties.
2. The Interim Application No.264 of 2023 is preferred to condone the delay of 53 days in filing the Review Petition seeking review of an order passed by this Court on 28th September, 2022.

3. The learned counsel for the respondents submit that they have no serious objection to condone the delay.
4. The applicant seeks condonation of delay on the ground that an appeal was preferred against the order sought to be reviewed under *bona fide* impression that the said appeal was maintainable. The applicant has been diligently pursuing the remedies. However, the appeal came to be disposed with liberty to prefer a Review Petition. There is no intentional or deliberate delay.
5. For the reasons assigned in the application and to advance the cause of substantive justice, the delay deserves to be condoned as it is trite that the Court leans in favour of condonation of delay and determination on merits.
6. Hence, the application stands allowed.
7. The delay in preferring the Review Petition stands condoned.
8. Review Petition be listed for hearing including on the point of maintainability.
9. In the meanwhile, the applicant shall file an affidavit of service.

10. In the event any of the respondents are yet to be served, the applicant is at liberty to serve the respondents and file affidavit of service.

11. Stand over to 20th February, 2023.

[N. J. JAMADAR, J.]