



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

**CIVIL APPLICATION [CAO] NO.1251 OF 2024**

**IN**

**MISC. CIVIL APPLICATION ST. NO.23142 OF 2023 [REVIEW]**

**IN**

**FIRST APPEAL NO.1072 OF 2013 [D]**

[Pramod s/o Sukhlalji Borundia and others .vs. The State of Maharashtra and others]

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

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Mr. A.B. Nakshane, Advocate for applicants.  
Ms. H.S. Dhande, AGP for respondent nos.1 and 2.  
Mr. M.A. Kadu, Advocate for respondent no.3.  
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**CORAM : SANJAY A. DESHMUKH, J.**

**DATE : 16<sup>th</sup> OCTOBER, 2024.**

1. Heard.
2. Issue notice to the respondents.
3. Ms. Dhande, learned AGP waives notice for respondent nos.1 and 2 and Mr. Kadu, learned Advocate waives notice for respondent no.3.
4. Perused the application. Heard the learned Advocates for both the sides.
5. Learned Advocate for the applicants submitted that the rights of the applicants have not decided on merit, however, as the Advocate for the applicants gave the case papers to them back, the applicants could not engage Advocate because of their poor financial condition and, therefore, the appeal was dismissed. Hence, the delay of 741 days is caused for filing the application for review.
6. Learned Assistant Government Pleader for the respondent nos.1 and 2 and learned Advocate for the

respondent no.3 have opposed the application and submitted that there is no sufficient reason to condone the delay.

7. Considering the grounds stated in the application and the delay is not deliberately caused, the application needs to be considered.

8. It is clarified that in view of the judgment of the Apex Court in the case of *Imratlal .vs. Collector, 2014 (14) SCC 133 and New Okhla Industrial Development Authority .vs. Rameshwar, 2022 SCC Online SC 1599*, the applicants shall not be entitled for the statutory benefit like interest etc on the delayed period of 741 days from the date of order dated 16.10.2019, till the date of filing of the review.

9. Considering overall view of the matter, the application deserves to be allowed in the interest of justice and the delay of 741 days caused for filing review application is hereby condoned.

10. The application is allowed and disposed.

**Misc. Civil Application St. No.23142/2023**

1. Heard.
2. Issue notice to the respondents.
3. Learned AGP Ms. H.S. Dhande waives notice for respondent nos.1 and 2 and learned Advocate Mr. Kadu waives notice for respondent no.3
4. Call for record and proceedings.
5. Stand over after Diwali Vacation.

(SANJAY A. DESHMUKH, J.)