



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

CIVIL APPLICATION (CAO) NO. 415 OF 2024

(Amol s/o. Digambar Chavhan...Vs.. The State of Maharashtra and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of direction
and the Registrar's orders.*

Court's or Judge's order

Ms. Preeti Rane, counsel for the petitioner,
Ms. K. Marpakwar, AGP for respondent Nos. 1 and 2/State.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : MARCH 27, 2024

This is an application for condonation of delay of 1987 days caused in filing the review application.

2. At the outset, the applicant contended that in the last week of September 2018, he visited the office of earlier counsel and took back case papers. Then he approached the present counsel in the last week of October 2018 who advised him to verify the status of the cases arising from the judgment dated 01.08.2018 in the Hon'ble Supreme Court regarding whether a Special Leave Petition has been filed. Afterward in the first week of December 2018, the applicant handed over the case paper to present counsel to file a review application.

3. It is further averred that due to the death of the counsel's father, she was on leave till the second week of February 2019. Then in March 2019, the counsel called upon the applicant to file a review application. But the applicant did not come.

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4. From March 2020, for about 1½ years, there was covid pandemic and therefore also the applicant could not contact the counsel. Lastly, in November 2023, the applicant contacted the counsel and filed this petition. Thus, a delay of 1987 days has been caused. Therefore, he has prayed to allow this application.

5. Heard learned counsel Ms. Preeti Rane for the applicant and learned Ms. K. Marpakwar, the learned AGP for respondent Nos. 1 and 2/State.

6. The learned counsel for the applicant has vehemently argued that the applicant is not at all at fault for causing the delay but due to unavoidable circumstances, he could not file a review application in time. The applicant has properly explained the delay caused in filing the petition. It is further argued that the delay caused in filing the petition is neither intentional nor deliberate. So, lastly urged that if the delay has been condoned, it would not cause prejudice to the other side.

7. *Per contra*, learned AGP has vehemently submitted that the applicant has not given a proper explanation and reasons in the application to condone the delay. The application is vague. The applicant has failed to explain the delay caused in filing the petition. Thus, she urged for the dismissal of the application.

8. On perusal of the application, it seems that the applicant has not given any satisfactory reasons or proper explanation for causing the delay of 1987 days. As against, it appears that the reasons stated in the application are vague and unsatisfactory. It further reveals that the applicant was negligent in prosecuting the matter. He has not shown sufficient cause for not preferring the review application in time. The applicant has not satisfactorily and reasonably explained the delay caused in filing the petition.

9. It is pertinent to note that in the absence of sufficient cause and reasonable explanation for inordinate delay, the Court has no power to extend the limitation period on equitable grounds. So also, the Court has no power to condone the delay in the name of advancing substantial justice. As discussed above, the reasons mentioned in the application are not sufficient to condone the delay.

10. *Per contra*, it seems that the reasons stated in the application are insufficient, inadequate, vague, unpalatable, and far away from the requirement of Section 5 of the Limitation Act.

11. In such circumstances, we hold that the applicant failed to explain the inordinate delay caused in filing the review petition.

Therefore, the application being sans merit, stands rejected. Disposed of, accordingly.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)