

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 14465 OF 2024

IN

FIRST APPEAL NO. 967 OF 2023

Bombay Social Services, Mumbai & Ors.

...Appellants

Versus

Ahmed Haji Mohammed Terai (Deleted As Per
O.Dt.20th July,2016) Gulsehra Ahmed Terai And
Ors.

...Respondents

Mr. Yatin Sakhare for the Appellant.

*Mr. Akshay Patil, Ms. Devika M, Adv. Dhaval Patil, Mr. Akshay Gupte i/by M/s. K.
Ashar and Co., for the Respondent No. 4.*

Coram : Sharmila U. Deshmukh, J.

Date : April 8, 2025.

P. C. :

1. Interim Application has been preferred seeking condonation of delay of 180 days caused in preferring the Review Petition.

2. Learned Counsel for the Applicant submits that initially Interim Application was moved seeking recall of the order under Review and as the department informed that interim application is not maintainable the present Review Petition came to be filed. He submits that by reason thereof, there is delay of 180 days caused in preferring the Review Petition.

3. Learned Counsel appearing for the Respondent opposes the Application and submits that no proper explanation for the delay of 180 days has been tendered. He would further submit that though Interim Application was filed the same has not yet been withdrawn and despite thereof the present Review Petition has been filed. He submits that there was no order adjudicating the maintainability of the earlier Interim Application and therefore the delay is not explained.

4. I have perused the record and considered the submissions. The contention of learned Counsel for the Applicant is that earlier interim application was filed seeking recall of the order under review and subsequently the present Review Petition came to be filed by reason of the department's noting that interim application is not maintainable and Review ought to have been filed.

5. Considering the same, there is sufficient explanation for the delay and hence the delay stands condoned.

[Sharmila U. Deshmukh, J.]