



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

**CIVIL APPLICATION (CAO) NO. 1254 OF 2024
IN
MISC. CIVIL APPLICATION (MCA) STAMP NO. 6088 OF 2024
IN
FIRST APPEAL NO. 225 OF 2020**

Shri Manohar S/o Atmaram Fiske

Versus

The State of Maharashtra through the Collector, Nagpur and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri H.S.Chitaley, Advocate for the applicant.

Ms. Mallika Babulkar, Advocate h/f Shri M.A.Kadu, Advocate
for the respondent no.3.

**CORAM : SMT. M.S. JAWALKAR &
RAJ D. WAKODE, JJ.**

DATED : 12th SEPTEMBER, 2025.

The present application is filed by the present applicant for
condonation of delay of 719 days in filing the Review Application.

2. The applicant had challenged the judgment passed by this
Court dated 30th September, 2020 in First Appeal No. 225 of 2010
before the Hon'ble Supreme Court of India in Special Leave to Appeal
(C) No(s) 15940 of 2022. On 16th September, 2022, after hearing the

present applicant/appellant sought the permission before the Hon'ble Apex Court to withdraw the aforesaid SLP and to approach before this Court by filing review application. Accordingly, the aforesaid SLP was disposed of with liberty to approach before this Court by filing review application.

3. After withdrawing the aforesaid SLP, the appellant has filed the present review application before this Court. However, there is a delay of 719 days in filing the review application and hence, this application for condonation of delay.

4. The reasons given by the applicant are mentioned in paragraph 6 of the application regarding the Cataract surgery, which the applicant had undergone, and he was discharged on 16th August, 2023 and also in paragraphs 7 to 10, the applicant/appellant has mentioned the reason regarding the death of his grandson i.e. baby boy on 14th November, 2024.

5. The counsel for the respondent nos. 2 to 3 opposed the aforesaid application alleging that the applicant/appellant herein is not diligent and therefore caused delay of 719 days in filing the present application. Hence, aforesaid application should be rejected. In support

of her submissions, she relied upon the judgment of Hon'ble Apex Court in the case of *Pathapati Subba Reddy (died) by L.Rs. And others Vs. Special Deputy Collector (LA)* reported in *2024 SCC OnLine SC 513*.

4. After perusal of the application, so also supporting documents placed on record by the applicant i.e. the discharge summary card of the applicant himself dated 16th August, 2023 placed on record at page 10 (Annexure-A) and death certificate of premature baby boy dated 14th November, 2023 at pages 13 & 14(Annexure-C), we are satisfied that the sufficient reasons are carved out by the applicant for condonation of delay in filing the present review application.

5. In view of the aforesaid reasons, the present application is allowed.

6. The delay of 719 days in filing the review application is condoned.

7. The Registry is directed to register the present Misc. Civil Application (Review Application) and place before this Court for further orders.

8. The learned counsel for the applicant upon instructions makes a statement that if the applicant succeeds in the present review application, he will not claim any interest for the period of 719 days.

9. The civil application is disposed of.

[RAJ D. WAKODE, J.]

[SMT. M.S. JAWALKAR, J.]