



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

No.880/2025 in MCA St. No.10806/2025 in Writ Petition st No.2032/2024 (D)
Ajay V Yamuna and others

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

Court's or Judge's orders

Mr. K.R. Gour, Advocate for applicant.
Mr. C.F. Bhagwani, Advocate for resp. no.1.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 26-11-2025.

Heard.

2. This is an application for condonation of delay in filing the review application seeking review of order dated 30-09-2024 passed by this Court in Writ Petition No.2032/2024. In response to the notice issued on the application, the respondents have appeared and respondent no.1 has also filed his affidavit in reply dated 07-10-2025.

3. Heard learned Counsel for the parties on this application. Applicants primary contention is, the delay in filing the review application occurred on account of the time consumed in obtaining the relevant documents on the basis of which the review application is preferred i.e agreement dated 08-04-2025 and Sale Deed dated 02-04-2025 with respect to the suit property. Learned Counsel for the applicant submits that on the basis of these documents, he decided to prefer review of order passed by this Court which was passed by considering the contentions of the petitioner

therein that he is the owner of the property. He submits that since these relevant documents were received in the month of April, the application for review is filed immediately thereafter. However, considering the period of limitation if calculated from the date of order, sought to be reviewed, there is a delay of about 180 days in filing the review application. He therefore submits that the delay is unintentional and needs to be condoned.

4. Learned Counsel for respondents strongly opposed the application and submitted that there is no sufficient cause for condonation of delay. Learned Counsel for respondent no.1 by pointing out his affidavit in reply submitted that the grounds sought to be raised in support of condonation of delay are the contentions on merits and cannot be considered for the purpose of this application.

5. Having regard to the contents of the application and submissions advanced it appears that the applicant wants to prefer review application on the basis of documents of agreement to sale and sale deed, which appear to have been received on 02-04-2025 and 08-04-2025. It is submitted by applicant that these documents expose the glaring illegality on the part of respondents. The application for review with condonation of delay is filed on 28-04-2025. As such the application although filed immediately, after receiving the documents, the delay of 180 days has occurred

and it does not appear to be intentional. Delay caused in filing the review application needs to be condoned in the interest of justice. However, to balance interest by imposing certain costs upon the applicant. Hence the application for condonation of delay is allowed subject to costs of Rs.5000/- to be paid by the applicant to respondent no.1 and costs of Rs. 5000/- to be paid by the applicant to respondent nos. 2 and 3 within a period of two weeks from today.

6. Application is disposed of.

(Prafulla S. Khubalkar, J.)