



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

CIVIL APPLICATION (CAO) NO. 1294 OF 2024
IN
MISC. CIVIL APPLICATION (ST.) NO. 16243 OF 2024
IN
SECOND APPEAL NO. 105 OF 2012 (D)

Shri Gangadhar S/o. Bhagwan Gedam
..VS..
Shri Navnath Kisanji Gajbhiye

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

Court's or Judge's orders

Mr. H. I. Kothari, Advocate for applicant.
Mr. U. A. Gosavi, Advocate for respondent.

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 20th FEBRUARY, 2025

1. The present application is filed for condonation of delay of 548 days caused in filing application for review of the judgment. It is contention of the applicant that when the learned Appellate Court during the course of brief hearing, expressed his opinion on 01.07.2024, which he has stated in the review application, the necessity arose to file review application.

2. The application is strongly opposed by the respondent, however, as mentioned in the application, it can be stated that in view of the opinion expressed by the Appellate Court, the applicant felt it necessary to file such application for review.

3. As such, for the reasons mentioned in the application and review application in para 10, the application is allowed. The delay of 548 days caused in filing review application is hereby condoned.

4. The Civil Application stands **disposed of**.

5. The Registry is directed to register the review application.

6. After registration of the review application, issue notice to the respondent, returnable within one week.

7. Learned Counsel Mr. U. A. Gosavi, waives service of notice for respondent. As such, the review application is taken up for argument.

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1. I have heard both the parties at length.

2. Learned Counsel for applicant seeks review in view of Clause-4 of the operative order in Second Appeal. The contention of the applicant is that point of limitation is already decided.

3. In my considered opinion, there is no ambiguity or error in the order passed. The point of limitation is not at all decided, on the contrary, the matter is remitted back to the learned District Judge and also further directed that he **may** follow the procedure under Order XLI Rule 25 of the Code of Civil Procedure i.e. his discretion as

there was no issue framed on the point of limitation. The matter was remitted back.

4. In such circumstances, I do not find any merit in the application for review. Accordingly, it is dismissed.

The Misc. Civil Application stands **disposed of**.

(SMT. M.S. JAWALKAR, J.)

Kirtak