



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
REVIEW APPLICATION (CIVIL) NO. 65 OF 2026
IN
WRIT PETITION NO.2598 OF 2026**

1. Sandesh Vikram Hange,
age 38 years, Occ. Lawyer,
R/o. N-2, H-2/A-6, Thackrey Nagar,
Cidco, Aurangabad (Ch. Sambhajinagar),
 2. Sapna d/o. Vikram Hange,
age 42 years, Occ. Nil,
R/o.N-2/H-2/A-6 Thackarey Nagar, Cidco,
Aurangabad (Chh. Sambhajinagar)
- Applicants.**
(Orig deft 3 and 5)

VERSUS

1. Sanket Vikram Hange,
age 26 years, Occ. Nil,
R/o.N-2/H-2/A-6, Thackarey Nagar,
Cidco, Aurangabad (Chh. Sambhajinagar)
 2. Bhavna w/o. Prashant Munde,
age 40 years, occ. Household,
Flat N.301, "C" Building,
Freedom Tower, Chh. Sambhajinagar.
 3. Soniya d/o Vikram Hange,
age 36 yrs, Occ. Service
R/o. C/o Deelip Babasaheb Dongre,
Suyog bungalow, N-2, Mahajan Colony,
Cidco, Chh. Sambhajinagar.
- Respondents**
(Resp 1 & 3 orig plaintiff, 2 orig deft no.4.)

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Applicant : Mr.Sandesh Vikram Hange - Party in Person
Mr. Sanket Vikram Hange - Party in Person-Respondent no.1
Advocate for Respondent No.2 : Mr. V.L. Bhangre h/f Mr. K.D.
Jadhav
Advocate for Respondent No.3 : Mr. P.S Kundalwadikar

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CORAM : S. G. CHAPALGAONKAR, J.
Reserved on : July 16, 2026
Pronounced on : August 18, 2026

FINAL ORDER :-

1. The applicants seeks review of order dated 10.03.2026 passed by this Court in Writ Petition No.2598 of 2026 and seeks restoration of the writ petition to its original position for re-hearing.

2. The petitioners had filed writ petition no.2598 of 2026 assailing order dated 15.11.2025 passed by learned District Judge, Aurangabad in Misc. Civil Appeal No.128 of 2023, thereby upholding order dated 20.07.2023 passed below Exhibit-42 by learned Civil Judge Senior Division, Aurangabad in Special Civil Suit No.39 of 2018. This Court dismissed the writ petition vide order under review.

3. Respondent no.1 has filed Special Civil Suit No.39 of 2018 before learned Civil Judge, Senior Division, Aurangabad seeking relief of partition and separate possession in respect of suit property. In that suit, an application was moved below Exhibit-42 for grant of temporary injunction. On 20.07.2023 trial court was pleased to allow said application, which was subjected to challenge by original defendant no.4 in Misc. Civil Appeal No.128 of 2023 before learned District Judge, which was ultimately dismissed on 15.11.2025. However, while dismissing appeal, learned District Judge issued directions to expedite hearing of the suit and made it time bound.

4. Petitioners had raised challenge to order passed by learned District Judge mainly on the ground that learned District Judge committed error while expediting hearing of suit without consent of parties. This Court rejected writ petition upholding the order passed by learned District Judge.

5. The applicants seeks review of order passed by this Court in Writ Petition under premise that this Court has erroneously recorded observation in paragraph no.2 of order, which reads thus :-

“the learned District Judge found that during the pendency of appeal, hearing in suit started and therefore dismissed appeal with direction that the suit decided expeditiously and within period of six months.”

6. It is further submitted that Courts cannot grant reliefs which is not prayed for. However, learned District Judge without calling for status of suit, directed same to be decided within six months, which has seriously caused prejudice to all the parties. It is submitted that suit is still on unready board. Some applications for amendment of pleadings are pending. The directions for expeditiously deciding suit are given on request of respondent no.4, who had delayed filing of written statement for eight years. It is further submitted that it is the duty of Court to rectify, revise and recall its order, if it is brought to the notice that order is passed on wrong or

mistaken assumptions of facts and implementation of such orders have serious consequences.

7. In support of his contentions, reliance is placed on following cases :-

- i. ***M.M. Thomas Vs. State of Kerala reported in (2000) 1 SCC 466.***
- ii. ***S.Nagraj Vs. State of Karnataka, reported in 1993 Supp. (4)SCC 595.***
- iii. ***Green View Tea and Industries Vs. Collector, reported in (2004) 4 SCC 122 and;***
- iv. ***High Court Bar Association, Allahabad Vs. State of Uttar Pradesh and others reported in (2024) 6 SCC 267.***

8. The party in person/Respondent no.1 supported application. The learned advocate appearing for respondent no.2/original plaintiffs heavily opposed the application.

9. Having considered submissions advanced by learned advocates appearing for respective parties, this Court finds that there is serious dispute amongst family members. Brothers and sisters are fighting amongst themselves and leaving no stone untouched in bringing hurdles for smooth resolution of dispute through due process of law. Writ Petition No.2598 of 2026 was filed before this Court impugning the order passed by learned District Judge in Misc. Civil Appeal

no.128 of 2023 arising out of interim injunction order passed in partition suit, which is pending since 2018 and could not reach to stage of hearing. In this backdrop, learned District Judge, while disposing of Misc. Civil Appeal No.128 of 2023 observed in paragraph no.19, as under :-

“Learned advocate appearing for the appellant argued that Special Civil Suit no.39 of 2018 is pending since long and, therefore, it is necessary to issue directions to expedite the hearing. To this, the respondent no.1 submit that, he is ready to lead the evidence. As such, this is a fit case to issue directions in this respect.”

10. Accordingly, the appeal was disposed of with directions to decide pending suit within six months. Respondent no.1 herein had filed Review Application no.4 of 2025, particularly, on the ground that directions to expedite suit could not have been given as the review petitioner had never pleaded for expeditious trial of suit nor such submission was made in oral arguments. The learned District Judge observed in paragraph nos.13 and 14 of the order dated 3.2.2026 passed in Review Application no.4 of 2025 as under :-

“13. While deciding the above aspect, it appears that having perused record and proceeding of E-file M.C.A. No.128 of 2023, it shows that the present applicant, who was the

respondent no.1, has filed written say to the above Misc. Civil Appeal i.e. 4.4.2025. The para no.vi) of the said say shows “the respondent no.1 says and submit that the present respondent no.1 is continuously under threat and pressure. If the present appellant or present respondent no.5 are given free hand over the properties without there being trial and inquiry finding the facts of genuineness of the documents being proposed to be read in evidence then this would defeat the very purpose of the suit. The denial of injunction as granted by the learned trial court would denial of the evidence even before it is led. The plaintiff is ready to commence the trial of the suit. Making the order that suit be tried in specified time will suffice the purpose of the parties.” From the aforesaid submission it clearly shows that the present applicant was the respondent no.1 in the said miscellaneous civil appeal has also made submissions for the suit be tried in specified time and therefore, the submission of applicant regarding no pleading made regarding specific time is not worth to be considered.

14. It is pertinent that the respondent no.1 i.e. appellant in the M.C.A. 128 of 2023 has not denied that no such submission made regarding the direction to dispose of the Special Civil Suit within the stipulated time. The applicant also produced documents along-with application, but either those are not helpful to decide the above controversy and in this respect submission of learned Advocate for respondent no.1 that no new evidence can be considered while deciding such review application is also worth to be considered.”

11. During course of hearing of writ petition no.2598 of 2026 before this Court, certain allegations were made against conduct of proceeding by learned District Judge and rival parties. However, this Court found that partition suit, which was pending since 2018, needs to be expeditiously decided so as to give quietus to the dispute amongst family members. This Court observed that “innocuous directions given by the learned District Judge would not prejudice petitioners at all and therefore refused to entertain the writ petition.”

12. It is true that during course of hearing of writ petition, reference was made to observations of the Hon’ble Supreme Court of India in case of High Court Bar Association (supra), wherein it has been observed that routine directions for time bound disposal ought not have been issued unless exceptional reasons are recorded. Learned District Judge, while issuing directions for expeditious disposal, had recorded the reasons that partition suit is pending since 2018 and looking to the nature of litigation, directions were given in the interest of parties. This Court found no reason to interfere in the discretion exercised by learned District Judge in peculiar facts and circumstances of the case. In this backdrop, no good ground can be made out to review or recall the order passed by this Court. Petitioners are aggrieved by decision of this Court,

which is arrived after considering the contentions and material relied by the petitioners, they may have remedy to challenge order on merit, but power of review cannot be exercised. Further, if petitioners feels that their right to defend suit is prejudiced in any manner because of such directions, they can move appropriate application for extension of time or even Presiding Officer of Trial Court can take up such recourse. The directions for expeditious disposal of proceeding are always given looking to the interest of parties, however, it does not construe to suppress or obstruct right of a party to defend the case. Despite such directions, the Court, who is in-charge of the trial is not expected to drag the party thereby curtailing lawful rights to lead necessary evidence or take necessary steps to defend his interest. The Trial Court is expected to decide proceeding in time bound manner by giving sufficient opportunity to parties.

13. So far as powers of review are concerned, the Hon'ble Supreme Court in case of **Lily Thomas and others Vs. Union of India and others reported in (2000) 6 Supreme Court Cases 224**, observed that the '*review is not an appeal in disguise. Power of review can be exercised for correction of a mistake but not to substitute a view. Such*

powers can be exercised within limits of statute dealing with exercise of power.’

14. In the present case, no ground for reviewing order is made out. No error apparent on the face of record, which can be said to have occurred on the basis of clear ignorance or disregard of provisions of law is brought to notice of this court. In this backdrop, this Court finds no merit in Review Application and the same stands **dismissed**.

(S. G. CHAPALGAONKAR)
Judge

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