

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 7100 OF 2015
IN
REVIEW APPLICATION ST. NO. 7367 OF 2015
IN
WRIT PETITION NO. 419 OF 2007**

Ram s/o Namdeo Patil
& others

.. APPLICANTS

VERSUS

The State of Maharashtra
& another

.. RESPONDENTS

Mr. V.D. Salunke, advocate for applicants.
Mr. S.G. Karlekar, AGP for the State.

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**CORAM : R.M. BORDE &
P. R. BORA, JJ.
DATE : 31st JULY, 2015**

PER COURT :

1. This is an application seeking condonation of delay of 8 years and 36 days occurred in presenting application seeking review of the order passed by Division Bench of this Court in Writ Petition no. 419/2007 decided on 1st February, 2007.

2. Petition was presented by father of the applicants during his lifetime. The reason given for causing delay in presenting review application is that father of applicants was bed ridden for about a year and expired on 11.11.2008. It is contended that he did not inform the applicants regarding presentation of writ petition or its disposal. It is only after Gram Panchayat issued notice on 01.02.2015 asking applicants to vacate the premises, they

came to know about disposal of the petition. It is not a matter of dispute that applicants were residing with the deceased petitioner under the same roof and it would be difficult to believe that they were unaware about the proceedings initiated by their father. Apart from this, even on perusal of the judgment and order passed by this Court, it does appear that the suit in respect of property in question was admittedly pending before the civil Court. Even otherwise, in view of prosecution of alternate remedy before the civil Court, the invocation of writ jurisdiction was also questionable. Even otherwise, no interference is called for in the matter. Application seeking condonation of delay stands rejected. Consequently, review application stands rejected.

(P. R. BORA)
JUDGE

(R. M. BORDE)
JUDGE

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