

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

**CIVIL APPLICATION NO. 4855 OF 2015
IN
REVIEW APPLICATION STAMP NO. 20855 OF 2014
ALONG WITH
REVIEW APPLICATION STAMP NO. 20855 OF 2014
IN
WRIT PETITION NO. 4721 OF 2011**

Narayan Bhadu Mahajan and another .. Applicants

Versus

Dhananji Ravji Patil
Died through his L.Rs.
Manjulabai Govindrao Sonawane
and others .. Respondents

Shri Vinod P. Patil, Advocate for Applicants.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 29TH APRIL, 2015.**

PER COURT :

. Mr. Patil, the learned counsel for the applicants states that, the applicants are bonafide purchasers of the suit land and are not responsible to pay the mesne profit. The disputants have not challenged the sale under Sub Rule 13 of Rule 85 of the Maharashtra Co-operative Societies Rules. The sale has become final because of confirmation of the Registrar of Co-operative Societies. It ought to have been held and declared that the

respondents have forcibly taken possession of the suit land from the present review applicants. It is society who attached the property of the disputants. The liability if any regarding payment of mesne profit ought to have been fixed on the society and not on the auction purchasers.

2. I have considered the submissions canvassed by the learned counsel for applicants. As far as factum of possession is concerned, the same is already decided in the year 2002. The only question is about determination of quantum of mesne profit. This Court vide order dated 18.07.2011 in Writ Petition No. 4721 of 2011 had dismissed the writ petition challenging the grant of mesne profit at the rate of Rs. 5,000/- per year from 28.04.1976 and at the rate of Rs. 30,000/- per year from 28.04.1986 till 01.04.2003. Both the Courts have concurrently arrived at same quantum, considering the land in question as an irrigated wherein crops of sugar cane, mug, makka, etc. can be taken.

3. Considering the above, no error apparent on the face of record is pointed out. As such, review application along with civil application for condonation of delay stand rejected. No costs.

[S. V. GANGAPURWALA, J.]