

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION NO.190 OF 2014
IN
WRIT PETITION NO.8755 OF 2013

Ashok Narhari Munde,
L.Rs. Vijay Ashok Munde & ors. ..APPLICANTS

VERSUS

Madhukar Manikrao Munde & ors. ..RESPONDENTS

Mr R.R. Karpe, Advocate holding for Mr S.B. Choudhari, Advocate for
applicants

CORAM : N.W. SAMBRE, J.

DATE : 27th April, 2015

ORAL ORDER :

This is an application, seeking review of the judgment dated 18th June, 2014, rendered by this Court, in Writ Petition No.8755 of 2013.

2. Mr Karpe, learned Counsel appearing on behalf of the applicants has raised two-fold contention in support of review application, namely, (I) that the acknowledgment which is placed on record for considering the service was not signed by the applicants, as according to them, no opportunity was given to them to put-forth the said case before the Tribunal and an affidavit was filed disputing the service of the said notice

and (ii) that the order passed at page 57 by the Deputy Collector (General Administration) Land Reforms, Osmanabad was never interpreted, at least it was not established that the order was served on the present applicants.

3. Learned Counsel would further urge that presumption was sought to be rebutted about service of notice by placing affidavit on record. If the above referred contentions are to be accepted, in my opinion, same will amount to re-appreciation of evidence, based on which this Court has taken a view of dismissal of the petition.

4. One more aspect of the matter of which this Court must take note is that there is a presumption about service of notice on the applicants. The respondents have discharged the same by producing postal acknowledgment on record, which was not rebutted or discharged by the present applicants.

5. In that view of the matter, the instant Review Application being sans merit stands rejected with no order as to costs.

(N.W. SAMBRE, J.)

amj