

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION NO. 45 OF 2014
IN
WRIT PETITION NO.2222 OF 2001

Pralhad Rambhau Surwase & ors. ..APPLICANTS

VERSUS

Bhimabai Ambrushi Jagdale & ors. ..RESPONDENTS

Mr S.B. Talekar, Advocate holding for Mr V.S. Undre, Advocate for applicants;
Mr S.S. Choudhari, Advocate for respondents no.1-I-i to 1-I-iii and 4-I

CORAM : N.W. SAMBRE, J.

DATE : 23rd April, 2015

ORAL ORDER :

After dismissal of Writ Petition No.2222 of 2001 by this Court by judgment dated 30th October, 2014, the petitioners have filed present application for review, mainly on three grounds.

2. It is the contention of Mr Talekar, learned Counsel appearing on behalf of the applicants/petitioners that the Deputy Collector, after deciding the matter in favour of the applicants/petitioners on 18th September, 1998, noticed that upon inheritance of tenancy by the petitioners, no separate notices were served on both the brothers. In addition to above, he would urge that the revision before the Maharashtra Revenue Tribunal was

delayed by more than one year and seven months and as such, according to him, the Maharashtra Revenue Tribunal was not having any jurisdiction to entertain the revision. He has also raised an issue about interpretation of the provisions of section 19 of the Hyderabad Tenancy and Agricultural Lands Act, 1950, as according to him, the view taken by this Court, that sections 19 and 20 of the said Act operate in different spheres, is erroneous.

3. It is required to be noted that the issue about delay and that of service of notice was not raised before the Maharashtra Revenue Tribunal as the applicants/petitioners have chosen to remain absent. When the applicants/petitioners were called upon to show such objection from their reply before the Revenue Tribunal, it appears that no such reply or objection was filed before the Tribunal.

4. In view of above, the fact finding authorities have already recorded findings against the applicants, which are sought to be assailed in review before this Court. It is required to be noted that the issue about delay was never argued when the petition was heard. The issue about service of notice is specifically dealt with by this Court in the judgment, so also the interpretation of section of the said Act.

5. In the light of above, in my opinion, no case for interference in review jurisdiction is made out. The review petition thus fails and stands dismissed with no order as to costs.

6. At this stage, Mr Talekar, learned Counsel appearing on behalf of the applicants, makes a prayer for protection of possession of the applicants/petitioners for a period of four weeks.

7. It is required to be noted that this Court has already rendered judgment dismissing the petition on 30th October, 2014. The review petition is brought before this Court today, i.e. after almost six months.

8. This Court is not aware of the developments that took place in the intervening period. However, at this stage, in my opinion, it will be inappropriate to accept the said prayer. As such, the said prayer for protection of possession of the applicants/petitioners, stands rejected.

(N.W. SAMBRE, J.)

amj