

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION (St.) NO. 27611 OF 2013

IN

WRIT PETITION NO. 8651 OF 2012

Mr. Aijt Pandurang Gogte and Anr. } Petitioners

versus

Mr. Eknath Keshav Teli and Ors. } Respondents

WITH

REVIEW PETITION (St.) NO. 27612 OF 2013

IN

WRIT PETITION NO. 8652 OF 2012

Mr. Ajit Pandurang Gogte and Anr. } Petitioners

versus

Mr. Shailesh Ramesh Mahadik and Ors. } Respondents

Ms. Gauri Jadhav for the Applicant.

Mr. Virag Tulzapurkar-Senior Advocate i/b.
M/s.D.H. Law Associates for Respondent Nos. 1 to
5 in RPWST/27611/2013 and for Respondent
Nos.1 to 10 in RPWST/27612/2013.

Mr. Prashant Chavan i/b. Mr. Prabhakar M.Jadhav
for Respondent No. 8 in RPWST/27611/2013 and
for Respondent No. 13 in RPWST/27612/2013.

Mr. Ajit Anekar for Respondent Nos. 6 and 7 in RPWST/27611/2013 and for Respondent Nos. 11 and 12 in RPWST/27612/2013.

CORAM :- S.C.DHARMADHIKARI, J.

DATED :- JUNE 26, 2015

P.C. :- (In Chamber)

With the consent of both sides and after condoning the delay, I have taken up the Review Petitions for admission. Ms.Jadhav has invited my attention to the Review Petitions and particularly paras 13 and 14 thereof. She has stated that the review is sought of the order passed in Writ Petition Nos. 8651 and 8652 of 2012 decided on 5th

November, 2012 and an order dated 5th February, 2013 in those Writ Petitions.

2) Upon her attention being invited to the series of orders that have been passed by the Courts below and the two Writ Petitions filed to impugn them, she clearly states that the Review is sought only of the later order dated 5th November, 2012. In that, her argument is that this Court's finding and conclusion that the Assistant Charity Commissioner is powerless in deciding the controversy about enrollment of new members is erroneous. That can be very much decided in change report inquiry proceedings and section 22 of the Bombay Public Trust Act, 1950 permits such course.

3) Mr. Tulzapurkar-learned Senior Counsel, opposing the Review Petition has invited my attention to paras 13 and 14 of the Review Petitions and the two orders, first of which was delivered in Writ Petition No. 734 of 2011 and Writ Petition No. 735 of 2011 on 27th June, 2011 and the later order of which review is sought. He submits that the foundation of the Review Petitions is that this Court did not notice that in Writ Petition No. 7967 of 2007 decided on 26th October, 2007, a learned Single Judge of this Court, according to the Review Petitioner, kept the issue open. But Mr. Tulzapurkar points out that this statement is factually incorrect. My attention is invited to para 3 of the

order passed in Writ Petition Nos.734 of 2011 and 735 of 2011 and the order under review, in which, at more places than one, there is a reference to this earlier order of 26th October, 2007 passed by a learned Single Judge and there is a finding that this order does not grant any such liberty or clarification nor does it construe section 22 of the Bombay Public Trust Act, 1950, as urged by the Review Petitioner.

4) After having heard both sides and perusing the Writ Petitions and the order under review, I am of the view that in the event the Review Petitioner feels that the orders passed by this Court are in any way erroneous on facts and in law, then, the remedy is not to file a Review Petition. The Review Jurisdiction is expressly limited and not equated with either an Appeal or Revision. This Court cannot once again scrutinize all the records as if this is a fresh round and rehearing of the Writ Petitions. Precisely, a rehearing of the original Writ Petitions is sought and it is not permissible. In such circumstances and noting that the parameters of section 114 read with Order XLVII Rule 1 of the Civil Procedure Code are not satisfied, the Review Petitions are dismissed. However, there would be no order as to costs.

(S.C.DHARMADHIKARI, J.)