

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

**41 REVIEW APPLICATION (CIVIL) NO. 19 OF 2016  
IN  
SA/33/2014**

**GURULING MALLIKARJUNAPPA  
DHARASHIVE AND ANOTHER**

**VERSUS**

**MANMATHAPPA PANDABBA  
LOKHANDE AND OTHERS**

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Mr. V.D.Hon, Sr. Counsel i/b

Mr. S.V.Natu, Advocate for Applicants.

Mr. R.N.Dhorde, Sr. Counsel i/b

Mr. V.D.Gunale, Advocate for R – 1.

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**CORAM : T.V.NALAWADE, J.**

**DATE : 13<sup>th</sup> JUNE, 2016**

**ORAL ORDER :-**

. The application is filed for review of the decision given by this Court on 05/10/2015 in Second Appeal No. 33 of 2014 with some Civil Applications.

2. Heard Mr. V.D.Hon, learned Senior counsel for the applicants. He submitted that due to the observations made by this Court that 40 persons who were newly added as

members were not served with notice to inform them about the election, the election can not be up-held, complications are created. He submits that these 40 persons are claiming that they are the members. He submits that in the past some of these persons had tried to intervene in other proceedings by contending that they were members but their contention was not accepted and that order had become final up to the Supreme Court. He submitted that in view of this circumstance, this Court has committed mistake in making such observation in favour of said 40 persons and so the review needs to be allowed. On 2 other grounds also the matter is decided against the review petitioner.

3. Mr. R.N.Dhorde, learned Senior counsel for respondent No. 1 brought to the notice of this Court that Second Appeal No. 32 of 2014 was also decided by this Court, in which there was consideration of legality of the amendment to the constitution and this Court held that amendment was legal. He submitted that only due to such amendment, those persons could have been inducted as members and as the decision of up-holding amendment to the constitution has become final, it needs to be presumed that in the disputed election they were entitled to be issued with notice and the decision given in respect of Change Report, by which their applications filed for intervention were rejected, has become redundant.

4. There is force in this submission. In view of the decision of Second Appeal No. 32 of 2014 which must have been considered by this Court while deciding Second Appeal

No. 33 of 2014, this Court holds that it is not possible to review the aforesaid observations made by this Court.

5. Review Application stands rejected.

**[T.V.NALAWADE, J.]**

KNP/R.A. 19.2016 in S.A. 33.2014.odt