

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

**REVIEW APPLICATION NO.61 OF 2016
IN
WRIT PETITION NO.832 OF 2001**

**Chandrakant S/o Hari Badhe and others Vs. Varangaon
Education Society and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.B.Bhapkar, advocate for the Applicants.
Miss.S.S.Raut, A.G.P. for the State.
Mr.A.G.Talhar, advocate for Respondent No.2
Mr.K.B.Jadhav, advocate for Respondent No.1.

CORAM : S.V.GANGAPURWALA, J.
Date : 15.07.2016.

PER COURT :

1. Heard.
2. Mr.Bhapkar, learned counsel for the Review Applicants submits that in fact, the Trust has no grievance in respect of the order impugned in the Writ Petition. In fact, there was no dispute in issue surviving before the District Judge. Twice the elections have taken place after the Writ Petition is filed in this Court. The Secretary of the Trust who is representing the Trust before the District Judge has no more grievance to agitate before any forum in respect of inclusion of membership of Trust. Some of the

Respondents in the Writ Petition had expired. Original Petitioner No.2 had also died. All these aspects were not considered. According to the learned counsel, all these facts were not brought to the notice of the Court and the person was not authorised to represent the Trust for prosecuting the matter.

3. I have heard Mr.Talhar, learned counsel for Respondent No.2 and learned A.G.P.

4. The order dated 29.10.2015 in W.P.No.832/2001 with respective Civil Applications was filed after hearing the learned advocates representing the parties at that time. The present applicants were part of Respondent Nos.3 to 11 in the Writ Petition. The advocates of the present Review Applicants in the said Writ Petition had accepted the contention of the original Petitioners that the District Judge has passed the order impugned in the Writ Petition without giving any opportunity to the Trust. It was on the basis of the said statement made by the learned counsel for the present applicants in the said Writ Petition, the order under Review was passed. At the time of deciding the Writ Petition, no other contention was raised as was sought to be raised in the present Review Application, whether any lis subsist or whether any dispute subsist between the parties can be brought to the notice of the learned District Judge, where the proceedings are remitted back.

5. In light of the above, no error apparent on the face of the

record. The Review Application is rejected. No costs.

(S . V . GANGAPURWALA, J .)

Dt.14.07.2016.
asp/office/Revapp61.16