

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application [MCA] No.508 of 2014
in
Writ Petition No.697 of 2006 (D)

(Smt. Jameela Parveen wd/o Mukhtar Khan
vs.
Nusrat Khan s/o Manzoor Khan and others)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.Z. Sonbhadre, Advocate for the Applicant
Shri M.M. Ekre, A.G.P. for Non-Applciant Nos.2 to 4.

CORAM : R.K. DESHPANDE, J.

DATE : JANUARY 4, 2016.

The learned Counsel for the applicant seeks review of the judgment and order dated 04/03/2014 passed in the Writ Petition No.697/2006 by this Court. The writ petition was allowed and the order dated 30/05/2005 passed by the Minister setting aside the order of transfer of licence in the name of the petitioner was set aside.

The contention of the learned Counsel for the applicant is that the applicant, who is original respondent No.4, was not present at the time of disposal of this writ petition on 04/03/2014 and hence, she was not heard by this Court before passing the order. He further points out that there is an error apparent on the face of record in observing that the kerosene licence initially stood in the name of

Manzoor Khan, the father of the original petitioner - Nusrat Khan. He further submits that taking into consideration the fact that the applicant-original respondent No.4 was not having any source of income, the Minister has taken a view that the licence, which was in the name of her husband Mukhtar Khan, should have been transferred in the name of the applicant-widow.

With the assistance of the learned Counsels appearing for the parties, I have gone through the orders passed by the authorities below and I have heard the learned Counsels on merits of Writ Petition No.697/2006. The fact that the review application did not stake her claim for seeking transfer of kerosene licence in her favour from 08/11/1988 i.e. the date of death of her husband till 16/02/2004 i.e. for about 16 years has not been disputed. It is an undisputed position that the licence was renewed in the name of the petitioner on 31/12/1985, 31/08/1988, 31/12/1995, 31/12/1999 and 31/12/2004. The question as to whether the licence stood originally in the name of Manzoor Khan, the father of the original petitioner was not disputed. In fact the Commissioner has recorded the finding that the licence was in the name of Manzoor Khan, the father of the original petitioner and there is no document produced on record to show any challenge to this factual position except the

averments in this review application. Even the Minister in his order impugned in the writ petition has recorded the finding that the licence was in the name of the firm and it is not the dispute raised by the Mukhtar Khan, the partner of the firm.

In view of the aforesaid factual position, I do not find any reason to review the judgment delivered by this Court. Hence, the review application is dismissed.

JUDGE

**sandesh*