

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

Civil Application No. 03799 of 2017
(In Review Application Stamp No. 01093/2017)
(In Writ Petition No. 01652 of 2016)

District : Osmanabad

Anil s/o. Shivling Tawaskar,
Age : 34 years,
Occupation : Business,
R/o. Bhavani Niwas,
Bhagwati Nagar,
Sutarwadi Road, Pashan,
Pune - 21.

.. Applicant.

versus

The Competent Authority
and Deputy Collector,
Land Acquisition,
Medium Project No.2,
Osmanabad,
Taluka & District Osmanabad,
& 02 others.

.. Non-applicants.

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Mr. Vishwas D. Solanke, Advocate, for the applicant.

*Mr. S.M. Ganachari, Asst. Government Pleader, for
non-applicant no.01.*

*Mr. S.A. Wakure, Advocate, for non-applicant
nos.02 and 03.*

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CORAM : T.V. NALAWADE, J.

DATE : 27TH MARCH 2017

ORAL ORDER :

This application is filed for condonation of

delay of 101 days caused in filing Review Application seeking review of the judgment delivered in Writ Petition No. 1652 of 2016, on 02.09.2016.

02. To get the relief of condonation of delay, the applicant is required to show that there was sufficient cause for delay in filing the proceedings. At the same time, the applicant is also required to show that there is some arguable case for review of the order. In the present case, the applicants have not made out a case even for issuing notice on application for condonation of delay by advancing arguments on aforesaid two points.

03. This Court has carefully gone through the decision in Writ Petition No. 1652 of 2016. The entire litigation which was pending between the parties is considered by this Court and as there is substantive suit for partition pending in the Civil Court, this Court observed that the Civil Court has every power to make order which the present applicant was seeking in acquisition proceedings and before this Court. Thus, there was no ambiguity in the order made by this Court. If there was any grievance about this order, this order could have been challenged, but that has not been done. The grounds mentioned in the application filed for review do not fall under the scope of review. Even if it is presumed that sufficient cause is shown for condonation of delay, no ground is made for review of the order. There will be unnecessary harassment of

the non-applicants if notice is issued on this application for condonation of delay.

04. In the result, the Civil Application is rejected. Consequently, registration of the Review Application is refused.

(T.V. Nalawade)
JUDGE

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