

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 6005 OF 2016 IN
WRIT PETITION NO. 6697 OF 2013**

Rashtramata Jijau Sevakbahi Sanstha .. Applicant

VS.

State of Maharashtra and others .. Respondents

Mr. P.R. Katneshwarkar, Advocate with Mr. G.R. Syed, Advocate for the applicant

Mr. S.G. Karlekar, A.G.P. for the respondents 1 to 3 - State

Mr. V.D. Hon, Sr. Advocate i/b. Mr. A.V. Hon, Advocate for respondent no.4

**CORAM : S.C. DHARMADHIKARI &
RAVINDRA V. GHUGE, JJ.
DATE : 07-07-2017**

ORAL ORDER :

1. We have heard Mr. Katneshwarkar, learned counsel appearing on behalf of the applicant.
2. With his assistance, we have perused the order dated

22/01/2014 passed by this Court on the main Writ Petition (WP/6697/2013). We have also perused the order of the Hon'ble Supreme Court of India and the order of the Division Bench dated 16/04/2016 passed in Writ Petition no. 4277 of 2016.

3. At the outset, Mr. Hon, learned Senior Counsel raises a preliminary objection to the maintainability of this Application and submits that this is an attempt to get over the binding order and directions of this Court. It is initially the authorities, who attempted to get over that order and direction but finding that it was difficult for them, now they have put up the original respondent no.4 – applicant to this Civil Application. Hence, on the ground that the Application has not been filed bonafide, the same be dismissed.

4. Mr. Katneshwarkar, learned counsel for the applicant would submit that this is not the correct position, as the applicant had initially filed Writ Petition no. 4277 of 2016. On 16/04/2016, that matter was argued before another Bench, but during the course of the arguments, the applicant found that the prayers and reliefs claimed were in the nature of seeking a review of the order dated 22/01/2014

passed in this Writ Petition no. 6697 of 2013. Hence, with a view to pursue a proper and correct legal remedy, that attempt of a separate Writ Petition was given up.

5. Mr. Katneshwarkar, learned counsel therefore, submits that this is an Application which is before us, to be treated as seeking a review of the judgment and order passed in the Writ Petition.

6. When such are the submissions before us, we must be aware of the limitations of the review jurisdiction. In review jurisdiction, we cannot go behind our order, as if we are sitting in appeal over it. We also cannot entertain detail submissions, so as to add to, or take away something from the initial order. That would be transgressing the limits of review jurisdiction. The law on this aspect has been laid down by the Hon'ble Supreme Court in the case of **Lily Thomas Vs. Union of India** reported in **AIR 2000 SC 1650**.

7. The parameters of review jurisdiction are set out in Section 114 read with Order 47 Rule 1 of the Code of Civil Procedure, 1908. In the garb of entertaining a review petition, re-hearing is

impermissible. Precisely, that is sought in this case. In the garb of seeking a modification or review of the order, the applicant – original respondent no. 4 is seeking substantial reliefs. That would require us to go behind our order and alter and change it, as if we are exercising appellate or revisional jurisdiction. That being impermissible, this Civil Application has no merit and is dismissed.

[RAVINDRA V. GHUGE]
JUDGE

[S.C. DHARMADHIKARI]
JUDGE

arp/