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

**CIVIL APPLICATION NO. 13725 OF 2016
IN RAST/28776/2016
IN WRIT PETITION NO.3322/2000**

**M.G.CHAVARE
VERSUS
CHAIRMAN SEVAK SAMITI MAHARASHTRA RAJYA KAPUS
UTPAKSHAN MAHA SANGH MARYADIT M**

**...
Advocate for Applicant : Dodya S.G.
AGP for Respondents: Mrs.A.V.Gondhalekar
Advocate for Respondents : Mr.S.T.Shelke for R. 1 to 3.**

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**CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL,JJ.**

DATE : 22/09/2017

PER COURT :-

There is a delay of two years and sixty six days in filing Review Application. The Application is filed for condonation of delay. According to Mr.Dodya, learned counsel, the petitioner is suffering from Peripheral Neuropathy, because of which, he had to take bed rest for most of the time. He got the knowledge and the copy of the judgment in June 2015 when he visited his counsel. Thereafter, he was not well for some time, as such delay of two years and sixty six days is caused.

2] According to learned counsel, the Review is necessitated because the grounds which were raised by the present Review Applicant before the appellate authority were not considered by the

appellate authority nor by this Court while passing order in Writ Petition No.3322/2000. According to learned counsel, there were two inconsistent reports. The report which is relied by the authorities states that as per the record, Ganji No.22 consists of 485 quintal of cotton, whereas as per the record, it is 110 quintal. The learned counsel submits that this discrepancy was not at all considered and the reduction is shown. It was due to different reasons, as such rain, transportation, the weight was less, however, all these aspects though brought on record were not considered, even measurement was not properly done. This was also pointed out however, all these contentions are not considered by the authority. The charges are not proved.

3] Mr.Shelke, learned counsel supports the order.

4] The grounds stated for condonation of delay do not appear to be convincing. The delay is more than two years and sixty six days. The circumstance that the petitioner had contacted his advocate in June, 2015 and had also got the copy of the order from the advocate but still thereafter, did not file any Review for more than one year, shows that petitioner could have taken steps earlier.

5] The scope of Review jurisdiction is in a narrow compass. The Review cannot be considered as an Appeal in disguise.

6] We had considered all the grounds raised by the petitioner and argued before us while dismissing the Writ Petition.

7] Even considering the arguments of the petitioner in Review Petition, still as per the report relied by the petitioner, there is a reduction in weight. It also needs to be considered that the gradation

was also not properly done. Gradation Committee's report is on record. The authorities relied on the report of the gradation committee who are experts and it was found that the gradation was not properly done, due to which heavy loss was sustained.

8] These grounds, which were not raised in Writ Petition cannot be considered in Review. The inquiry cannot be enlarged in Review.

9] In the light of the above, Review Application and Delay Condonation Application are rejected. No costs.

(MANGESH S. PATIL,J.) (S.V.GANGAPURWALA,J.)

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