

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 179 OF 2016
IN
REVIEW PETITION (ST) NO. 12633 OF 2016
WITH
REVIEW PETITION (ST) NO. 12633 OF 2016

Maruti Balwant Shewale ... Petitioner.
vs.
The Municipal Corporation of
City of Pune and Anr. ... Respondent

Ms. Bhagyashree Bhosale h/f Mr.Nitin Deshpande for the Petitioner.
None for the Respondent.

CORAM : A.K. MENON, J.

DATED : 3RD MARCH, 2017

P.C. :

1. By this Review Petition, the petitioner seeks review of an order dated 9th October, 2015 by which the Writ Petition challenging the judgment and decree of Adhoc District Judge-5, Pune in Civil Appeal No.277 of 2013 dated 30th August, 2014 came to be dismissed. The petitioner had been ordered to vacate the premises in his occupation pursuant to the order passed by the Deputy Commissioner, Galichha Vasti, Pune. The petitioner then filed an application under the Maharashtra Provincial Municipal Corporation Act, 1949 on an issue which was already covered by a decision of the Division Bench of this Court in the case of

Ramchandra Jivatram Chetwani vs. Pune Municipal Corporation and Others 2013 (1) All MR 6491.

2. Today, the petitioner seeks review of the order dated 9th October, 2015 on the basis that there is a new policy of the corporation dated 18th February, 2016, according to which in the submission of the petitioner, the petitioner cannot be evicted. Admittedly, the resolution/policy on which the petitioner now relies is dated 18th February, 2016 and was not subject matter of the lis pursuant to which the order under review came to be passed. Accordingly, no ground for review is made out.

3. I therefore pass the following order :

(i) Review Petition is dismissed.

(ii) In view of disposal of the Review Petition, nothing survives in the civil application. Civil Application No.179 of 2016 is also disposed of.

(A.K. MENON,J.)