

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION (ST) NO. 30805 OF 2016
IN
WRIT PETITION NO. 8848 OF 2016

Abdullah Md. Shakur Kureshi

.. Petitioner

vs.

The State of Maharashtra and ors.

.. Respondents

Mr. I.M. Khairdi for the Petitioner.

Mrs. M.S. Bane, AGP for Respondent Nos.1 and 2- State.

Mr. P.B. Kulkarni for Respondent No.3.

CORAM : M. S. SONAK, J.

DATE : 28 JULY 2017.

P.C. :-

1] Heard Mr. Khairdi, learned counsel for the review petitioner and Mr. Prasad Kulkarni, learned counsel for respondent No.3 and Mrs. Bane, learned AGP for respondent Nos.1 and 2.

2] This review petition is directed against the order dated 17th October 2016. Mr. Khairdi refers to paragraph 2 and 5 of the order and points out that the same refer to the order dated 12th January 2016 made by the Deputy Charity Commissioner, Solapur. He submits that the petition has been disposed of by assuming that the order impugned was the order dated 12th January 2016 made by the Deputy Charity Commissioner, Solapur. He points out that the order impugned in this case was order dated 29th April 2016 and therefore, assumption, on basis of which, the petition came to be disposed of was itself not correct. He submits that this is a case of an error apparent on the face of record and the order dated 17th October 2016 is required to be recalled.

3] Mr. Kulkarni learned counsel for respondent No.3, submits that the reference to order dated 12th January 2016 is in the nature of an inadvertent error. He points out that in paragraph 6 of the order dated 17th October 2016, the discussion is in the context of impleadment of the petitioner in the proceedings before the Deputy Charity Commissioner, which is precisely what was the issue in the order dated 29th April 2016. Mr. Kulkarni, therefore, submits that the review petition may be dismissed.

4] Having considered the submissions made by learned counsel for the parties, I am satisfied that the review jurisdiction has to be exercised and the order dated 17th October 2016 is recalled. Though, in paragraphs 3 and 6 of the order dated 17th October 2016, there is some discussion on the issue of impleadment, the grievance raised by Mr. Khairdi based upon the reading of paragraphs 2 and 5 of the order, is justified and deserves acceptance.

5] Accordingly, the review petition is allowed and the order dated 17th October 2016 is hereby recalled.

6] The review petition is disposed of in the aforesaid terms.

(M. S. SONAK, J.)