

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

CIVIL APPLICATION NO. 16749 OF 2016
IN WP/909/1990 WITH CIVIL APPLICATION ST.
NO.13900 OF 2008

AADARSH MARKET VYAPARI NAGAR PARISHAD GALA DHARAK
ASSOCIATION, BEED
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the applicant: Mr. K.J. Suryawanshi
AGP for Respondent/State: Mr. S.M. Ganachari
Advocate for respondent no. 5 : Mr. G.K. Naik
Thigale
Advocate for Respondent Nos. 10 and 13 : Mr. H.V.
Tungar

...
CORAM: S.S. SHINDE & S.M. GAVHANE, JJ.
Dated: April 18, 2018
.....

At the outset, learned counsel appearing for the applicant makes an oral prayer to amend the prayer clause "C". Leave granted amendment to be carried out forthwith.

2. Heard learned counsel appearing for

the applicant and learned counsel appearing for the respective respondents.

3. Learned counsel appearing for Respondent – Municipal Council vehemently opposed the prayer for condonation of delay. He submits that, there is inordinate delay of 15 years, which is not properly explained, and therefore, the application may be rejected.

4. We have carefully perused the averments in the application. It appears that, the application, which was filed by the applicant, was not in proper format and accordingly, the Division Bench (Coram : J.N. Patel & S.B. Deshmukh, JJ) allowed the applicant to withdraw the said application with liberty to file a fresh application. Pursuant to this order, the applicant has filed this application in proper format in the year 2008 itself.

5. In that view of the matter, keeping in view the order passed by the Hon'ble Supreme Court in Civil Appeal No.1736 of 2004 dated 19th March, 2004 and the Division Bench (Coram : J.N. Patel & S.B. Deshmukh, JJ) in Civil Application No.131

of 2002, the delay deserves to be condoned. Accordingly, the application is allowed and the delay stands condoned.

6. The only contention raised by the review applicant before this Court is that, the order passed in Writ Petition No. 909/1990 by the Division Bench is without hearing to the applicant and no other contentions have been raised on merits. It appears that, when Writ Petition No. 909/1990 was heard and disposed of, the applicant herein was not made party, and without hearing applicant in view of the order passed by the Division Bench, the licence issued in favour of the petitioners pursuant to the tender notice dated 11th October, 1994 came to be withdrawn.

7. Learned counsel appearing for Respondent – Municipal Council, on instructions, submits that, the Municipal Council will follow the procedure including giving notice to the applicant, and after following proper procedure will take appropriate decision within 8 weeks from today. In that view of the matter, the purpose of filing this review application stands redressed.

Consequently the application is allowed
and the same stands disposed of.

(S.M. GAVHANE, J)

(S.S. SHINDE, J)

SGA/