

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION NO.33 OF 2018
(Sureshchandra Vasudeo Bhandari Vs. Sushilabai Vasudev Bhandari
(died), through LR's)
IN
WRIT PETITION NO.7142 OF 2016

Mr.M.M.Jadhav, Advocate with Mr.S.V.Bhandari, party in person as a
applicant.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 27/02/2018

PER COURT :

1. I have considered the strenuous submissions of Mr.Jadhav, learned Advocate, who is appointed as *amicus curiae*, as well as the submissions of Mr.Bhandari, the review applicant in person. Mr.Jadhav has submitted on record his written notes of arguments.

2. This Court (Coram : Nitin W. Sambre, J.) had passed an order on 09/11/2017, which reads as under :-

" In view of judgment of the Apex Court, in the matter of ***Bipin Shantilal Panchal Vs. State of Gujarat and another, reported in (2001) 3 SCC 1***, whether the will deed should have been exhibited or not is an issue which can be gone into at the stage of final hearing of the suit. Keeping such liberty open to the petitioner, writ petition stands disposed of.

2. In view of disposal of writ petition, pending civil application does not survive and stand disposed of accordingly."

3. At the time of delivering the abovesaid order, RCS NO.329/1989 filed by the applicant, was pending. The said suit was subsequently decreed on 17/11/2017. The review applicant is partly aggrieved by the said judgment and decree.

4. Since this Court had disposed of the writ petition in the light of the judgment of the Apex Court, while dealing with an interlocutory order, the applicant would now be entitled to file a regular civil appeal u/s 96 of the C.P.C. and raise all the grounds as may be desired.

5. Considering the above, this review application is disposed off with the observation that the applicant would be at liberty to avail of the remedy as is permissible in law. The time spent by the applicant in this Court from 12/12/2017 till the passing of this order, would be a good ground for condonation of delay, if any. All contentions of the applicant in the proposed appeal are kept open.

6. The fees of Mr.Jadhav, learned Advocate are quantified at

Rs.5,000/- to be paid by the High Court Legal Aid Services Authority,
Sub Committee, Aurangabad.

(RAVINDRA V. GHUGE, J.)