

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION NO. (CAO) NO. 1832 OF 2018
IN MCA ST. NO. 22495/2018 IN WRIT PETITION NO. 91 OF 2018

(Eknath Harishchandra Thvali & Anr. vs. State of Maharashtra thr. its Secretary (Revenue Relief and Rehabilitation) Revenue and Forest Department & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.
OCTOBER 19, 2018.**

Heard Shri P.S. Patil, learned counsel for the
applicants/ original petitioners.

2. After hearing the learned counsel, though not necessary, this Court had on 08.01.2018 passed an order indicating point for consideration and then adjourned the matter. On next day when the Court did not receive any assistance, the petition has been dismissed.

3. Today, a judgment of the Division Bench of this Court in the case of Vijay Kumar vs. State of Maharashtra & Ors., reported at 2008 (4) Mh. L.J. 370, is sought to be pressed into service in review jurisdiction. How a review can be entertained on the basis of said judgment, has not been explained.

4. The learned counsel submits that there is recurring cause of action. Why in present facts there is

recurring cause of action in the light of Limitation Act, is again not explained. The judgment delivered by the Division Bench shows a challenge to extension given for a period of 10 years which was to expire in 2014. The learned counsel for the petitioner has relied upon para 20 of the judgment where the Division Bench takes note of the fact that right from the year 2005, there were disputes between respondent No. 2 and the State Government. There were favourable orders of the Court and still State Government choose to extend contract period for no valid reason. The petition was filed in the year 2007. The Division Bench has observed that there was some delay but then the petition was filed when the period of extension was to expire.

5. We, therefore, find no case made out. Civil Application is rejected. No order as to costs.

JUDGE

JUDGE

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