

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

10 REVIEW APPLICATION (CIVIL) NO.160 OF 2019
IN WP/13647/2018

SAFIYABI NABU KURESHI AND OTHERS
VERSUS
BHAVRAO RATAN MALODE THROUGH LRS RAVI SONU BHAVRAO
MALODE AND OTHERS

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Advocate for Applicants : Mr. Patel Sameer F.
Advocate for Respondent Nos 1 : Mr. Ashish Jadhav h/f
Mr. Barlota Ambar S.
Advocate for respodt. Nos. 8& 9: Mr. Shaikh Rameez Raja

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CORAM : RAVINDRA V. GHUGE, J.
Date : July 29, 2019

ORAL ORDER :

1. The learned Advocate for the applicants has canvassed the following points :

- a) He had entered a leave note on 1.2.2019.
- b) This Court had decided the writ petition on 4.2.2019.
- c) Sale deed No. 944 of 1981, dated 23.2.1981, duly registered, is now challenged in RCS No. 110 of 2019, filed on 21.1.2019, after 38 years.

2. The applicants belong to the Mohammedan

Community and do not get any right in the immovable property, until their predecessor in title passes away. Father of these applicants has passed away in 2010.

3. On the basis of the pending suit, they had sought addition in the Land Reference No. 36 of 2018, which was pending before the Competent Authority, with regard to compensation, on account of acquisition of the land.

4. The order sought to be reviewed is dated 4.2.2019, which clearly indicates that the applicants had sought adjournments on 10.12.2018, 17.12.2018, 7.1.2019 and 22.1.2019. The learned Advocate for the respondents moved the matter on 4.2.2019 and a serious grievance was made that the applicants have filed this application in this Court and are seeking adjournments, so as to prolong the Land Reference proceeding. On account of the serious grievance

made, I heard learned Advocate representing the applicants on 4.2.2019.

5. Reasons stated by the applicants for arraying them as respondents before the Land Reference Court are that :

“Their father never sold the land on 23.2.1981. There was a forgery. A bogus sale deed is registered bearing No. 944 of 1981. After their father passed away in 2010, they realized that though the father had not sold the land, the land stood transferred to the claimants, who are today, before the Land Reference Court”.

6. The review applicants claimed that they have challenged the sale deed dated 23.2.1981, only after they got its knowledge. The date of demise of their father is mentioned as 24.4.2000 in the said suit. In the entire plaint, there is not a single sentence or pleading as regards circumstances in which these petitioners have gathered knowledge of the registered sale deed dated 23.2.1981. In my view the Law Of

Limitation therefore, would effect that the prayer put forth by these applicant in the plaint.

7. The Hon'ble Apex Court has laid down law in "**Lily Thomas Vs. The Union Of India, AIR 2000 SC 1650**", that the scope of review is not to reopen the Writ Petition. I have recorded in the order dated 4.2.2019 that after these applicants noticed that the title holders who had purchased the land 38 years ago are likely to get huge amount of compensation, that these applicants had filed the Civil Suit to create a foundation.

8. In view of above, I do not find any merit in these review application. No error apparent on the face of the order, is pointed out. The review application, therefore, is dismissed.

(RAVINDRA V. GHUGE)
JUDGE

mahajansb/