

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 CIVIL APPLICATION NO.3831 OF 2019
IN/WITH
REVIEW APPLICATION (ST.) NO. 5444 OF 2019

VAISHALI VIJAY NARWADE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Mr. Gore Ravindra Vitthal
AGP for Respondent Nos. 1 to 3: Mrs. A.V. Gondhalekar
Advocate for Respondent No.4 : Mr. Y.V. Kakde
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**CORAM : PRASANNA B. VARALE &
NITIN W. SAMBRE, JJ.
DATED: 14th MARCH, 2019**

PER COURT:-

1. Heard learned counsel for the applicants.
2. The grounds raised for review as well as for condonation of delay are identical viz. the change now in the position of law by way of an amendment effected by the State. It is settled position of law that a review application can be entertained if there is apparent error on the face of record, misrepresentation of facts or availability of the documents subsequently which earlier could not be made available as they were beyond the control of the party. Here, a vague ground is raised by giving reference to the amendment effected retrospectively, when the order of this Court was passed on 6.10.2018, which was on the position of law prevalent on that day. As such, the ground sought

to be raised, in our opinion, is neither meritorious nor worthy of allowing the application seeking review of our order dated 06.10.2018. As we are not inclined to entertain either the application seeking condonation of delay or seeking review of the order, the inescapable conclusion is to dismiss both the applications. Accordingly, both the applications are dismissed.

(NITIN W. SAMBRE, J.)

(PRASANNA B. VARALE, J.)

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