

(1)

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

**CIVIL APPLICATION NO.9572 OF 2019
IN/WITH
REVIEW APPLICATION (ST.) NO.8104 OF 2019
IN
WRIT PETITION NO.2372 OF 2017**

Gazala Pravin Abdul Sayed Malik,
Age: 45 years, Occ: Household,
R/o. Jalgaon, Tq. Jalgaon,
Dist. Jalgaon

..Applicant

VERSUS

1. The State of Maharashtra
Through its Secretary,
Department of Urban Development,
Mantralaya, Mumbai-32

2. The Jalgaon Municipal Corporation,
Jalgaon, Through its Commissioner

..Respondents

**WITH
CIVIL APPLICATION NO.9573 OF 2019
IN/WITH
REVIEW APPLICATION (ST.) NO.8106 OF 2019
IN
WRIT PETITION NO.2381 OF 2017**

Shamimbee Abdul Rahim Malik,
Age: 49 years, Occ: Household,
R/o. Jalgaon, Tq. Jalgaon,
Dist. Jalgaon

..Applicant

VERSUS

1. The State of Maharashtra
Through its Secretary,
Department of Urban Development,
Mantralaya, Mumbai-32

(2)

2. The Jalgaon Municipal Corporation,
Jalgaon, Through its Commissioner ..Respondents

WITH
CIVIL APPLICATION NO.9574 OF 2019
IN/WITH
REVIEW APPLICATION (ST.) NO.8110 OF 2019
IN
WRIT PETITION NO.2371 OF 2017

Khurshidbee Abdul Gaffar Malik,
Age: 63 years, Occ: Household,
R/o. Jalgaon, Tq. Jalgaon,
Dist. Jalgaon ..Applicant

VERSUS

1. The State of Maharashtra
Through its Secretary,
Department of Urban Development,
Mantralaya, Mumbai-32
2. The Jalgaon Municipal Corporation,
Jalgaon, Through its Commissioner ..Respondents

Mr A. R. Syed, Advocate for applicants;
Mr S. D. Ghayal, A.G.P. for respondent No.1;

CORAM : PRASANNA B. VARALE
AND
MANGESH S. PATIL, JJ.

DATE : 9th August, 2019

ORAL ORDER :

Civil Application No.4749 of 2019 in Review Application (St.)
No.8114 of 2019 in Writ Petition No.2356 of 2017 was placed before this
Court. The present applicants are the petitioners and all these petitions,
namely, Writ Petition Nos.2356 of 2017, 2371 of 2017, 2372 of 2017 and

(3)

Writ Petition No.2381 of 2017 were decided by judgment and order dated 4th/20th December, 2018.

2. According to learned Counsel for the applicants/petitioners, the person who had issued the notice, which according to the petitioners was notice under Section 127 of Maharashtra Regional Town Planning Act, 1966 is, in fact, son of one of the petitioners and therefore, he can be regarded as a person having interest in the subject matter. According to learned Counsel for the applicants, this point was not agitated by one of the petitioners in review application decided earlier.

3. Admittedly, the petitioners are Mohammedan. No birth right is recognized in respect of the property standing in the name of the mother in Mohammedan and, therefore, the son cannot be said to have any immediate interest so as to regard him as a person having interest when his right to inherit the property is yet to begin and has not been crystallized.

4. On 5th April, 2019, the application filed by applicant - Aminabee Abdul Wahab Malik seeking condonation of delay was allowed by us, whereas we could not find any ground so as to entertain the review application. As such, the review application, being devoid of merits, came to be dismissed. We see no reason to take other view or different view than the view adopted by us in order dated 5th April, 2019.

(4)

Resultantly, application for condonation of delay was allowed and the application seeking review was dismissed.

Even on merits, to the extent of this ground, there is no substance in the review applications. Review Applications stand dismissed accordingly.

(MANGESH S. PATIL)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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