

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

944 REVIEW APPLICATION (ST) NO.20718 OF 2019  
IN CRA/163/2015

KASTURBAI VYANKAT KUMBHAR AND OTHERS  
VERSUS  
PANDIT SONUSING PATIL AND OTHERS

...

Advocate for Applicants : Shri Pathan Zareef Khan

Advocate for Respondent nos. 1, 2 & 5 to 8: Shri P.R. Patil

**CORAM: V.L. ACHLIYA, J.**  
**DATE: 13.12.2019**

**PER COURT :**

1] The applicants have moved this application seeking review of order dated 29.4.2019 passed by this Court.

2] Heard learned counsel for the applicants - original respondents and respondents - original petitioner nos.1, 2 and 5 to 8.

3] In brief, it is the contention of learned counsel for the applicants that the respondents - petitioners have got extended the period to comply with the order dated 4.2.2019 i.e. to carry out amendment without intimating the applicants. So also the applicants have suppressed the conditional order dated 18.3.2019 passed by this Court extending the period by further one week with a clear stipulation that failure to carry out the amendment within the extended period, the order shall stand vacated.

4] It is contended that vide order dated 4.2.2019 passed by

this Court (Coram: Ravindra V. Ghuge, J.) in Civil Application No.9920/2018 filed in Civil Revision Application No.163/2015, the application moved by the respondents seeking amendment to Civil Revision Application was allowed. The respondents were granted three weeks time to carry out amendment from the date of the order. The applicants were granted liberty to file additional affidavit in reply within five weeks from the date of the order. The respondents – petitioners failed to carry out amendment. They approached the Court for extension of time to carry out amendment. By order dated 18.3.2019 passed by this Court (Coram: P.R. Bora, J.), the time was extended by further one week with clear stipulation that failure to carry out amendment within one week, the order shall stand vacated. The respondents failed to carry out amendment within the stipulated period and once again moved this Court seeking further extension to carry out the amendment. Without giving notice to the applicants and bringing to the notice of the Court the conditional order passed on 18.3.2019, the respondents got extended the period to carry out the amendment vide order dated 29.4.2019 passed by this Court. It is submitted that the order passed in the matter has resulted into depriving the right of the applicants to file additional affidavit in terms of the order dated 4.2.2019.

5] Learned counsel representing the respondent nos.1,2 and 5 to 8 opposed the application with contention that no case is made out to entertain the review application. It is submitted that order passed to extend the period is purely a discretionary order. No case is made out to entertain the review application. So far as the grievance agitated by the applicants that the order dated 29.4.2019 has caused prejudice to the applicants and they are deprived to file additional affidavit in reply, the learned counsel submits that the respondents – petitioners have no objection to allow the applicants to file additional affidavit in reply in counter to amendment carried out by the respondents.

6] On due consideration of the submissions advanced, I am of the view that the application deserves no consideration. No grounds exist to entertain the review application. I am, therefore, not inclined to entertain the application. Accordingly, the application is rejected. However, liberty is granted to the applicants to file additional affidavit in reply within four weeks from the date of this order. The review application is disposed of in above terms.

**(V.L. ACHLIYA, J.)**