

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO.185 OF 2019
IN WP/1929/2019 WITH CA/10412/2019 IN RA/185/2019

BALASAHEB NIVRUTII LANDGE AND ANOTHER
VERSUS
THE JOINT CHARITY COMMISSIONER PUNE AND OTHERS

Mr.A.N.Barhate Patil, Advocate for the applicants.
Mr.S.R.Yadav, AGP for respondent Nos. 1 and 2.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 30/08/2019

PER COURT :

1. This petition is filed by the original intervenors who were permitted to intervene. According to the learned Advocate, they were arrayed as respondent No.1 and respondent No.8 in Appeal No.93/2018. By judgment dated 15/10/2018, the learned Joint Charity Commissioner, Pune Region issued the following directions while allowing the appeal :-

- "1. The appeal is partly allowed.*
- 2. The order under challenge is modified as follows :*
- 3. Change report No.996 of 2007 is accepted.*
- 4. Entry be taken in Schedule-I of the trust accordingly.*
- 5. The election process is stayed till appeal period in respect of order dated 15-09-2018 passed by the Ld.Deputy Charity*

Commissioner, Ahmednagar in Change reports referred in para NO.22 of this judgment."

2. The review applicants, who were original petitioners before this Court in WP No.1929/2019, were aggrieved only to the extent of the direction at clause No.5, of staying the elections. These petitioners put forth a prayer clause at 14-B in the petition seeking setting aside the impugned order dated 15/10/2018 to the extent of the stay to the election process of the Trust. No other prayer has been put forth by these petitioners in prayer clause 14-B as well as the interim relief prayer clause 14-C. The order of this Court dated 17/07/2019 was passed on the premise that the appeal period was already over and the stay to the election stood automatically vacated after the expiry of the appeal period.

3. The learned Advocate for the petitioners has strenuously canvassed several other points which were not set out in the writ petition. It is apparent that, by virtue of the review application, new issues are sought to be argued under the garb of seeking review of the order of this Court. When the prayer clause 14-B and 14-C were restricted only to the grievance of staying the elections, no new reliefs can be sought in a review application.

4. This is a peculiar case of abuse of the process of the Law. This review application is therefore rejected and both the review applicants namely Babasaheb and Ramchandra, shall deposit costs of Rs.10,000/- (Rs.Ten thousand only) each in this Court on or before 27/09/2019, failing which, further orders directing recovery of the money as arrears of land revenue shall be ordered, besides contempt proceedings.

5. The learned AGP for respondent Nos. 1 and 2 submits that the said amount may be donated to the Social Project **“Shantivan”, Arvi, Tq.Shirur Kasar, District Beed.** an Orphanage catering to the orphans, who have lost their parents (farmers' suicide).

6. As such, after the amount is deposited, the Registry shall transfer the said amount in the name of **“Bhavani Vidhyarthi Kalyan Pratishthan, Arvi”** by way of electronic transfer (State Bank of India, Branch Shirur (Kasar), Account No.33446000963, IFSC Code : SBIN0005995) and shall report compliance.

7. Pending civil application does not survive and stands disposed off.

(Ravindra V.Ghuge, J.)