

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.106 OF 2019
IN
REVIEW PETITION (STAMP) NO.27246 OF 2018
IN
WRIT PETITION NO.2310 OF 2002**

The Agricultural Produce Market Committee ...Petitioner
vs
Smt. Ratan Devram Jadhav & Anr. ...Respondents

**WITH
CIVIL APPLICATION NO.104 OF 2019
IN
REVIEW PETITION (STAMP) NO.27252 OF 2018
IN
WRIT PETITION NO.2304 OF 2002**

The Agricultural Produce Market Committee ...Petitioner
vs
Smt. Ashabai Sadhu Waghmare & Anr. ...Respondents

**WITH
CIVIL APPLICATION NO.105 OF 2019
IN
REVIEW PETITION (STAMP) NO.27248 OF 2018
IN
WRIT PETITION NO.2309 OF 2002**

The Agricultural Produce Market Committee ...Petitioner
vs
Smt. Shaila Laxman Dhivar & Anr. ...Respondents

**WITH
CIVIL APPLICATION NO.107 OF 2019
IN
REVIEW PETITION (STAMP) NO.27250 OF 2018
IN
WRIT PETITION NO.2311 OF 2002**

The Agricultural Produce Market Committee ...Petitioner
vs

Smt. Usha Haribhau Bhadkumbe & Anr.

...Respondents

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Mr. Anukul Seth, i/b. Mr. V.M. Thorat, for the Applicant/Review Petitioner.

Ms. Sanchita Thakur, i/b. Ms. Seema Sarnaik, for the Respondents.

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CORAM : S.C. GUPTE, J.

DATED: 2 MAY, 2019

P.C.:

. This review petition seeks review of an order passed by this Court on 13 July 2018. There is a delay of 36 days in filing the review petition. For the reasons stated in Civil Application No.106 of 2019, the delay is condoned and the Registry is directed to register the review petition. The Civil Application is disposed of.

2. By consent of parties, the review petition is taken up for hearing forthwith. Learned Counsel for the Review Petitioner (original Petitioner) submits that the Petitioner's Advocate signed and tendered the minutes referred to in the order under review on a misunderstanding about instructions given to her. Learned Counsel submits that what was instructed to the Advocate of the Petitioner appearing before the Court was that the Petitioner would accept an order of reinstatement with continuity of service without back wages, if the Court were to pass such order. It is submitted that learned Advocate misunderstood these instructions to mean that he should seek an order *in invitum* on merits. It is submitted that, in the premises, minutes were signed by the Advocate agreeing to reinstatement in the premises provided therein. Learned Counsel for the Review Petitioner submits that the officer of the Petitioner instructing the Advocate did not have authority to instruct the

Advocate to sign minutes in this behalf. Learned Counsel, in the premises, submits that whilst the order passed by the Court may be retained on the basis that the parties did not want this Court to indicate its reasons in details, the first two sentences of the order, which refer to the minutes should be deleted from the order.

3. Since the order under review recording the minutes of order was passed on a mis-understanding of learned Counsel appearing for the Petitioner and the Petitioner has adopted a fair stand in not seeking to have the whole order recalled and the matter heard afresh, it would be in the interest of justice to allow the review and delete the two sentences indicated by learned Counsel for the Review Petitioner.

4. Accordingly, the review petitions are allowed and the orders dated 13 July 2018 passed in the writ petitions herein are altered as follows:

The first two sentences of the order/s dated 13 July 2018 shall be deleted and in their place the following sentence shall be added:

“After the matter is heard at some length, learned Counsel for the parties request the Court to pass an order without indicating its reasons in detail”.

The order be corrected accordingly.

(S.C. GUPTE, J.)